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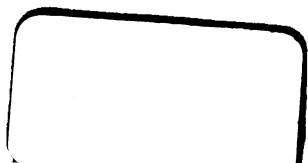


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THE
HISTORY
OF
SCOTLAND,
FROM THE
UNION OF THE CROWNS
ON THE
ACCESSION OF JAMES VI. TO THE THRONE OF ENGLAND,
TO
THE UNION OF THE KINGDOMS
IN THE REIGN OF QUEEN ANNE.

THE SECOND EDITION, CORRECTED.

WITH A
PRELIMINARY DISSERTATION
ON THE PARTICIPATION OF
MARY, QUEEN OF SCOTS,
IN THE MURDER OF DARNLEY.

BY MALCOLM LAING, ESQ.

IN FOUR VOLUMES.

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1871

1872

1873

1874

1875

AN
HISTORICAL DISSERTATION
ON THE PARTICIPATION OF
MARY QUEEN OF SCOTS
IN THE
MURDER OF DARNLEY.

CHAPTER VII.

Judicial Depositions and Confessions.

1. **T**HE judicial depositions and confessions remain. To these a general, preliminary objection has been made, that such of them as are annexed to Buchanan's Detection, are different from the originals still extant in the Cotton library, and that as they cannot both be genuine, the most obvious presumption is, that both are forged. It is the misfortune of this controversy, to be perplexed by writers, who accuse others of the most complicated and refined forgeries, when deficient themselves in reflexion and research. If the scurrilous Whitaker for instance, who brands

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The confessions different from the judicial depositions.

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Buchanan as a serpent, the second of all human forgers, and the first of slanderers¹, had consulted

¹ "Buchanan published a train of confessions—all spurious; the creation of a genius that seems to have delighted itself in the boldness of its own falsehoods, and to have rioted in the luxury of its own forgeries.—His spirit could not long confine itself within the bounds of harmlessness. The serpent may appear for a time playing in wanton curls upon the ground. It will soon, however, rise upon its spires, and shew its envenomed fangs. And Buchanan returned to his natural exercise of fictitious slander.—But this Leviathan of slander was not satisfied with taking such gentle pastime in forgery. He must raise a tempest for his recreation.—His malignity acted with all the force of a pestilential blast upon his discretion. The daring calumniator sunk into an impassioned idiot before it. And he stands on the pillar of infamy at present, for his Detection, his sonnets, and his depositions, the second of all human forgers, and the first of all human slanderers; but baffled in his forgeries, and defeated in his slanders by his very rage for both." Whitaker, iii. 192-3-4.

Such is the urbanity of this scurrilous disputant, who, in the preface to the first edition of his Vindication, styles Robertson "a disciple of the old school of slander," and in the Vindication itself calls him a liar repeatedly, and in the most explicit terms. For instance, to take a single volume, "The Doctor should in *honesty* have shewn that she knew of his illness." ii. 54. "If Dr. Robertson says true, the letters are the most impudent of liars. Or, if the letters are true, the Doctor must exchange situations with them." Id. 79. "With such gross disingenuity does the Doctor act concerning the letters. His judgment is not warped, but his probity is corrupted." Id. 185. "He treats them as papists treat their legends. He reveres them in general as true, yet he is obliged by the power of truth to leave them at one time. He is in-

even the titles prefixed, he would have perceived that those annexed to Buchanan's Detection are, "the Confessions of John Hepburn, Young Talla, " Dalgleish and Powrie, upon whom was justice " execute the iii. of January, 1567:" but that those preserved in the Cotton library, are their examinations and depositions before the privy council, produced and acknowledged on their trial in the justiciary court. If instead of adopting Goodall's wretched objections, he had examined Anderson's general preface, or the proceedings at Westminster, he would have found that the latter were the judicial examinations and depositions of the murderers produced to the English commissioners, December 8, 1568 : but that the former were their confessions at the place of execution, to which the minutes of the privy council, Decem-

duced by the solicitations of slander to desert them at another." Id. 207. Of Hume he observes, that " His zeal operates with all the force of a fever upon his brain." Id. 401. Of Robertson in another volume, that " Bedlam is no Bedlam to him;" i. 278. n.; and Knox he terms the " son of violence and barbarism, the religious SACHEM of religious MOHAWKS." Id. 311. To multiply instances would be to transcribe his pages ; but these *licensed outrages*, he seriously maintains, are as lawful in a controversy concerning Mary, as blows and wounds are in civil wars. Id. pref. xv. His politeness towards Macpherson, whom he had really convicted of misquotation and forgery, forms, as I have elsewhere observed, such a signal contrast to his scurrilous abuse of Hume and Robertson, as can admit only of one explanation, that Whitaker concurred with Macpherson in the authenticity of Ossian.

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ber 15th, indisputably allude : “ There was also
 “ produced and read a writing of another depo-
 “ sition of Thomas Crawford upon his oath, ex-
 “ hibited before the commissioners the 13th De-
 “ cember, concerning certain answers made to
 “ him by the foresaid John Hepburn and John
 “ Hay, upon the scaffold at Edinburgh².” Had
 he candidly examined the confessions themselves,
 the least reflexion might have convinced him, that
 those annexed to Buchanan’s Detection, are a
 summary or imperfect abstract, not from the ju-
 dicial depositions produced on the 8th, but from
 the confessions exhibited at Westminster on the
 7th, 10th, 12th, or 13th³, of which the minutes
 are lost, with every other paper transmitted to the
 press. The confessions are filled as usual with re-
 ligious reflections on the ways of Providence, the
 justice of their punishment, the assurance of mer-
 cy, the calls to repentance ; none of which occur
 in the judicial depositions. “ John (Hepburn) of
 “ Bowton, speaking of the queen in the *Tolbuith*,
 “ quho lives our deiths will be thought na newis :”
 and “ Young (Hay of) Talla, in the *Tolbuith*,” (not,
 as absurdly supposed, in presence of the privy
 council or justiciary court, but in prison, before

² Anderson, i. pref. 19. iv. 175. Goodall, i. pref. 15.

³ See in Anderson, iv. part ii. p. 171-5, references to pro-
 ceedings on the 10th, 12th, and 13th of December, of which
 no minutes are preserved.

they were led to execution,⁴) “ requirit John
 “ Brand, minister of the congregation, to pass to
 “ my lord Lindsay and say, my lord hartily I
 “ forgeve your lordship and als my lord regent
 “ and all uthers, but specially tham that betrayit
 “ me to you, for I know if *ye could here savit me*
 “ ye would; desiring you as ye will answeire
 “ before God in the latter day, to do your dili-
 “ gence to bring the rest quho was the beginners
 “ of this work to justice, *as ye have done to me.*”
 In short, whoever peruses the whole with the least
 attention, must be convinced of the fact, that
 these are not the judicial depositions, but an im-
 perfect summary of the confessions of the crimi-
 nals, made to the clergy before their execution ⁵.

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Buchanan accordingly appeals for the proof of a

⁴ “ They are said expressly to have been made in the *tol-
 booth* of Edinburgh, the building in which the parliament
 was held, the privy council assembled, and the lords of ses-
 sion convened, for the trial of civil or criminal causes. In
 this structure Bothwell was tried, for the murder of the king.
 In this his followers were equally tried. In this the rebel
 lords assembled for business. *And in this therefore would their*
previous examination of Bothwell's followers be made.”
 Whitaker, iii. 191. In this *sortes*, to prove that the confes-
 sions and depositions must be identical, because they were
 both taken in the same building, the author forgets only the
 proper use of the tolbooth, as a jail, in which the murderers
 were imprisoned, before their execution.

⁵ See the depositions and confessions in the Appendix,
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sions quot-
ed by Bu-
chanan.

curious fact in his Detection⁶, not to the judicial deposition, but to the confessions themselves.

“Hunc rerum gestarum ordinem, non modo
“maxima pars eorum qui cum regina erant, sunt
“fassi, sed et Georgius Dalglesius, Bothwellii cu-
“biculariis, paulo antequam penas luit, denarravit,
“*quæ ejus confessio in actis continetur*,” not as errone-
ously translated, “quhilk confession yet remains
“of record,” but which is contained in the acts
or minutes of the proceedings at Westminster⁷.

⁶ When the queen lodged in the Chequer-house, and, as she pretended to Murray and his mother (at Lochleven; Detection 6. compared with Keith 445) was first ravished by Bothwell, whom lady Reres introduced into her bedchamber, to which, however, he had free access through the garden, from the adjoining back door of the noted chambers of Ormond’s house; a few nights afterwards, as if, says Buchanan, to repay force by force, Mary and her confidant, Margaret Carwood, let lady Reres down by the girdle, over an old wall, into the next garden, but the girdle burst, and her old and heavy emissary fell prostrate to the ground. Not discouraged by the darkness, the height of the wall, or her sudden accident, this veteran penetrated into Bothwell’s chamber, when in bed with his wife, and the doors being opened, brought him half asleep and half naked to the queen. Whitaker’s objection seems to be that she carried Bothwell back over the high wall into the queen’s chamber, to which they had an easier access, *fortius reclusis*. iii. 194.

⁷ The translation would imply that the confessions were recorded in Scotland, where the depositions themselves, though lodged in the justiciary court, were not inserted in its books of adjournal. But “*in actis continetur*,” addressed to the English commissioners, refers to the acts of the session at Westmin-

“Such was the assurance of the wretch,” says Whitaker, “as to refer in form to a record for a slander when the record itself does not contain a single syllable concerning it;”—“but his malignity acted like a pestilential blast upon his discretion,—and the moment we compare Buchanan’s train of confessions with the originals, we detect the imposition which he designs to practise upon us.” Had this angry disputant, to whom liar, serpent, and slanderer are familiar terms, preferred the plain sense of the text to his own comment, he must have felt and acknowledged, that *confessio paulo antequam pœnas luit*, can never refer to a deposition which had been taken six months before, on the 26th of June, and of which the record is preserved in the Cotton library, but to the last confession of Dalgleish, after his trial, and before his execution on the 3d of January, of which the record was lost when Wilson’s short abstract was sent to the press.

2. To proceed to the judicial examinations of the murderers:—The depositions of Powrie and Dalgleish, Bothwell’s porter and chamberlain, were taken on the 23d and 26th of June, before the privy council; Powrie’s second deposition on the 6th of July; Hay of Talla’s, on the 13th of July, Anderson, iv. 172-3; and the clause appears, like other alterations, to be a subsequent explanation added by Wilson to Buchanan’s Detection.

Whitaker, iii. 192-4.

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Their minute account of the murder.

September ; Hepburn of Bolton's, on the 8th of December ; and were produced and acknowledged (January 3d, 1567-8) in the justiciary court, on their trial before the justice depute, Sir Thomas Craig⁹. From these depositions, which coincide in the most minute circumstances, we obtain a distinct and particular account of the murder. The gunpowder which Bothwell had probably ordered on his journey to Whittingham, had been brought on Tuesday or Wednesday from Dunbar. On Thursday he intimated to Hepburn an enterprise devised by some of the nobility, and himself among the rest, to assassinate the king, (and to send two servants each for the purpose) either in the fields, or in whatsoever place an opportunity could be found. On Friday morning he informed Hay and Ormiston separately of the design ; and at a general consultation in the evening, he abandoned his plan of assassination in the fields, which might be known or traced, and explained in what manner it might be effected better by means of gunpowder. The gunpowder was brought by Hepburn to Bothwell's lodgings in the abbey, on Saturday evening, but the murder was prevented that night, as the conspirators were not fully pre-

⁹ According to the family tradition, he was then a young man, just returned from Paris, where he had studied the civil and feudal laws. He died in 1608, in *fine senectæ*, when according to Dempster's *Epicedium*, *seros venit ad annos*. Craig de Feudis, pref.

pared. On Sunday evening, Bothwell, after a long consultation, passed in the dusk to sup with the queen at "Mr. John Balfour's house, where "the bishop of Argyle made the banquet." After supper he repaired to Ormiston's lodgings, and then to the Cowgate, while Powrie and Wilson were sent for the gunpowder, which was brought on horseback, in a trunk and mail, to the Blackfriars gate, where it was poured into bags and carried by Powrie and Wilson, the two Ormisons, Hay and Hepburn, to the garden wall behind the Kirk of Field. The two first were dismissed, and Paris received the rest through the back door, into the queen's apartment. As an empty powder barrel, which they had brought along with them, was too large to enter, they poured the powder in a heap upon the floor, directly under the king's bed, and Hay and Hepburn were left with false keys in the queen's chamber. On the departure of the rest, Paris locking the two doors that opened into the garden and into the *turnpike*, or outer staircase, went up stairs to the king's apartment, to intimate by his presence that all was ready; and Bothwell returned to the abbey in the queen's train. At twelve he retired to his lodgings to change his clothes, and with Powrie, Wilson, Dalgleish and Paris, returned by the Canongate through the Netherbow port. After enquiring in vain for Ormiston, he passed again through the Blackfriars gate towards the Kirk of Field, where

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he left the others, and on entering the garden with Paris, was joined by Hay and Hepburn, who had lighted the match, and released themselves by means of the false keys. They remained there, quite impatient, till the explosion took place, when they ran down to the Cowgate, through the Blackfriars gate, and ascending by different *classes*, crossed the High-street to a broken part of the town wall in Leith Wynd, which Bothwell was unable, or afraid to leap. The porter therefore was again summoned at the Netherbowgate, through which they returned to the abbey, and Bothwell retired to his bed, where he remained till roused by the alarm which the king's death had at last excited.

Their de-
positions
authentick.

3. Nothing can be better authenticated, at present, than these depositions. The originals taken by the privy council, were produced to a jury; and were read and examined before the learned Craig. They were acknowledged by the culprits themselves on their trial; and the copies of them still extant in the Cotton library, are attested by Bellenden, the justice clerk. But in Whitaker's opinion, the depositions themselves, the attestation of Sir John Bellenden who never saw them, the records of justiciary where they were never lodged, and of course the whole trial, with the name and authority of Craig, before whom they were never read or exhibited, are the forgeries of Murray, executed during the conferences in England¹⁰,

¹⁰ Whitaker, iii. 211.

Every historical document that refutes his assertions, turns into a convenient forgery at his touch. But of those writers, to whose distempered imagination all is forgery, it is the peculiar misfortune, that their assertions are strong and vehement in proportion as their arguments are weak and inconclusive. To them it is incredible that men, without apparent necessity, should confess facts to the destruction of their own lives ; as if the records of council and justiciary were not filled with instances of similar confessions, or as if judicial confessions were never made at all. It is incredible that different persons, at distant intervals, should employ the same words and combinations, in their narratives ; as if in any subsequent evidence concerning the same fact, the same words were not oftendictated by the same commissioner, or recorded by the clerk, from the first deposition which they hold in their hands. It is incredible that men should know each other, when they met in the dark, or distinguish their cloaths and slippers at midnight, soon after the change of the moon ; as if it were possible not to discern the persons, the garb, or the disguise of those who met within the Blackfriars gate, with a lighted candle, at ten at night ¹¹. But we are told that Dalgleish and Powrie were not arrested till the 17th of July, because their depositions are not once mentioned

¹¹ Whitaker, iii. 196. Goodall, i. 385. See Powrie's deposition, Appendix.

by Throckmorton till then ¹²; as if Throckmorton, who arrived not at Edinburgh till the 17th of July, could have notified their seizure, or their depositions in June. The proclamation for apprehending Bothwell, issued the same day (June 26th) that Dalgleish was examined, mentions in express terms the depositions of his servants. Throckmorton's first letter from Edinburgh, July 14th, refers directly to the same evidence; "he (Bothwell) being with *manifest evidence*, notoriously detected to be the principal murderer;" and his letter of the 18th can allude only to their depositions on the 23d and 26th of June, of which he had heard imperfectly; "That Bothwell's porter, and one of the other servitors of his chamber being apprehended, have confessed such sundry circumstances of the murder, as it appeareth evidently that he, the said earl, was one of the principal executors of the murder in his own person, accompanied with sundry others, of which number I cannot yet certainly learn the names but of three of them, two of the Ormisons of Tweddale, and one Hayburn of Bolton ¹³." If they were arrested only on the 17th of July there was neither time to take, nor occasion to antedate their depositions on the 18th; and "being apprehended," no more implies that they were then apprehended, than *being copied* in the

¹² Whitaker, iii. 201.

¹³ Anderson, i. 140. Robertson, ii. 447-53.

proceedings at Westminster, that the seven several writings produced on the 8th, were transcribed on the spot. CHAP. VII.

But Powrie the porter, according to whose first deposition, the trunk and mail containing the gunpowder ¹⁴, had been brought by himself and Wilson on "tway horses of my lord's, the ane " being his own horse," to the Blackfriars gate ; and on their return from the Kirk of Field, the " tway horses war away ;" declared when re-examined, July 3d, that the " carriage of the trunks " and mail containit in his former deposition " were carryed by him and Wilson upon ane gray " horse, that pertaintit to Herman, page to my " lord, at twa sundrie tymes, to the place containit " in his former deposit ¹⁵." Powrie was purposely

¹⁴ In Anderson this is printed, " the carriage of twa mails and ane tronk, and the uther ane ledderin mail," which affords Whitaker an additional objection, that the two mails and ane tronk shrink, in the second deposition, into a tronk and mail, and ane toom pulder barrel, is added to make up what was lost. iii. 199. The least attention might have convinced him, that the " twa mails and ane tronk," was misprinted by Anderson for *ane an tronk*. On inspecting the original, accordingly I found " the carriage of twa mails *the ane ane* tronk, and the udder ane ane leddern mail."

¹⁵ Goodall, i. 387. Whitaker, iii. 197. Goodall supposes that it was discovered after the first examination, that Bothwell had no horses in town, or that Powrie and Wilson had no access to them : as if a Scotch earl who never stirred abroad without attendants armed, and who had accompanied the queen from Stirling to Edinburgh and to Callender, and

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re-examined to correct a mistake committed from inattention or stupidity, in his first deposition ; that the gunpowder had been brought on two horses, instead of two carriages on the same horse; but a forger, to whom it was indifferent whether the powder had been brought on two horses at once, or on one horse twice, would have rendered his first fabrication complete. According to the first deposition, Powrie and Wilson were met at the Blackfriars gate by Bothwell, accompanied by Hob Ormiston, Paris, and two others, with cloaks about their faces ; according to his second examination, when they brought the last carriage to the Blackfriars gate, Bothwell came to them with three more, “ quhilk had thayr cloaks and “ muils upon their feet ¹⁶.” Here, instead of a slight contradiction, the two passages refer to the different carriages and arrivals of the powder, which Bothwell, walking up and down the Cowgate, met each time at the Blackfriars gate. In Powrie’s deposition the powder in the trunk and mail was contained in pokes or small sacks ; in Hay and Hepburn’s, the trunk at least was emptied

after a secret journey to Whittingham, met her again on the road from Glasgow, had no horses of his own in town. The mistake was probably committed by the clerk, and discovered on the examination of the centinels and others, of whose depositions one was read to Powrie on his second examination.

¹⁶ Whitaker, iii, 198.

into bags within the Blackfriars gate¹⁷; and as Powrie was sent to the Cowgate to purchase candles, it is evident that the powder was poured into the sacks in the interval, before his return. But to those conversant with legal practice, nothing can authenticate the depositions more strongly than a second examination, to correct the mistake of the two horses, some months before the evidence of Hay and Hepburn could explain the fact.

4. We are told, however, that the depositions must necessarily be false, as a mine was requisite to blow up the very foundations of the house¹⁸. The council's letter on Monday, to the queen regent of France, describes the explosion as such "que d'une selle, deux chambres cabinet, et garde robe, il n'est rien demeure que tout ne soit emporte loing de la, et redige en pouldre, non seulement la couverture et planches, mais aussi les murailles jusque au fondement, de sorte qu'il ne demeure pierre sur pierre"¹⁹. The queen's letter on Tues-

A mine not necessary.

¹⁷ Goodall, i. 388. Goodall is unable to conceive why Bothwell should change his cloaths, or why he should return at all, or with so many attendants, when he had left two men behind to set fire to the train. He forgot that it was necessary for Bothwell to disguise himself; to bring off his two men if discovered; to secure his own person from assault or accident; and by his presence to ensure the perpetration of the deed.

¹⁸ Goodall, i. 146. 389. Whitaker, iii. 202.

¹⁹ See Appendix, No. IV.

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day, to archbishop Beton, is in the same terms, "that of the haill loging, walls and other, there "is nathing remainit, na not a stane above another, but other carreyit far away or dong in "dross to the very *grundstane*," and she adds, "it "man be don be force of powder, and appears to "have bene a mine ²⁰." This first idea of a mine receives no confirmation from the proclamation on Wednesday to discover the murderers, which merely states, "that of the haill loging walls and "utheris, there is nathing *left unruinated*, but dung "indross to the *very grundstane* ²¹." The *Actio contra Mariam*, however, represents the walls as undermined, and the mines filled with gunpowder; and in the indictments against Morton and archbishop Douglas, the powder a "lytle afore was "placed by them under the grund, and angular "stares, and within the voltis, in laigh and darnit "pairts and places theirow ²²." But the two letters exaggerate the explosion beyond the proclamation which was addressed to those who beheld its effects; and it is observable that the pretext of a mine, which occurred only to Mary, was necessary then to avert the suspicion, for the same reason that it is still asserted, to obviate the fact, that the powder was lodged in the queen's chamber. When transferred to Wilson as the author, the Action against Mary amounts to nothing.

²⁰ Keith, pref. p. 8.

²¹ Anderson, i. 36.

²² See Appendix, No. XXXIV. Arnot's Crim. Trials, p. 9.

Buchanan refers in his *Detection*, and adheres in his *History*, to the judicial depositions, that the gunpowder was lodged that evening in the lower chamber, to which the conspirators had false keys; but Wilson repeats, in his *Actio contra Mariam*, the tales extracted from Lesly and his servants, who received, and who had an interest to propagate, the queen's account²³. At the distance of fourteen, and of twenty years, the hyperbolical language of Scottish indictments, is no evidence of an historical fact; and in the indictments against Morton and Douglas, it was necessary then, for the exculpation of Mary, to dispose of the powder, not in mines, but indefinitely under the ground and angular, or corner stones, and within the vaults, in low and concealed places, they knew not where. Two horse loads, or a single cask of gunpowder, were sufficient, not according to the modern fiction, to blow up the foundations, but to demolish a ruinous house to the *grundstane*. But the supposition of a mine implies that the expansive force of the explosion acts not equally in every direction; as if it were possible, from the ground apartment, to blow up the rafters, floors, and roof of an old house, rent and ruinous, without demolishing the walls. The fact is, that there was neither time nor room to construct a mine. There was no time, as the mine for which six days are allowed,

²³ Murdin, 57. Supra, chap. iv. note 61.

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in order to be finished in the queen's absence, must have been begun on her arrival at Glasgow, before it was known or determined, whether her husband would return, or where he would reside. There was no room, as the prebendary's house where he lodged, was contiguous to the town wall, on the east side of the provost's, or principal's house, with a narrow close or passage between, from which the *turnpike*, or outer staircase, led to the king's apartment, since the back-door opened into the garden, on the east side of the prebendary's house²⁴. The little gallery, having a window in the gavel through the town wall, led directly south from the king's chamber at the north end, from which it was separated by a large stone wall; and as the queen's apartment was beneath the king's, the cellar was beneath the gallery where the servants slept²⁵. The door pas-

²⁴ Supra, chap. i. See the depositions of Nelson, Hay, and Paris. Appendix, Nos. XXIV. XXV.

²⁵ The description which I have given of the house from the different depositions, is confirmed by the council's letter to the queen mother of France; "Son logis a este enleve &c. que d'une salle, deux chambres cabinet & garderobe," of which the house consisted. The two chambers were the king's and queen's apartments, on different floors: the *salle* was the cellar in Nelson's, and the kitchen in Paris' deposition, which served in those days indiscriminately for a kitchen and hall. The *cabinet et garderobe* were the little gallery in which the servants slept above the cellar, and a small closet above the passage that led through the *laigh house* into the

sing through the cellar and the town wall, of which the key could not be found²⁶, appears to have been sufficiently secured within. If the mine had been begun without, from the provost's house, or from the Kirk of Field, its entrance must have been discovered after the explosion, and its course disclosed by the ruins sinking into the chasm. But a mine opened within the cellar²⁷, through which the conspirators must have secured previous access to the whole house, would have been a preposterous labour.

5. The depositions were confirmed afterwards by the confessions of Paris and Ormiston, and are authenticated at present by their opposition to the prevailing report of the times. As the king's body and his servants' were found entire, without any external contusion or marks of gunpowder, in an adjacent garden without the walls, it was then the received opinion, that they had been strangled and brought out through the pos-

Depositions confirmed by their opposition to the public opinion;

garden, and divided the queen's chamber by a large stone wall, the only partition then, from the kitchen or cellar that entered from the *turnpike* by a separate door. In those times the bedroom served for a parlour during the day, as in some parts of Scotland at present; but Whitaker has converted this simple plan into a house of six rooms, with a (vaulted) cellar under the whole. iii. 263.

²⁶ Buchanan's Detection, 15. Nelson's Evidence, Appendix, No. XXV.

²⁷ Whitaker, iii. 232—41.

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tern, before the house was blown up. This persuasion was so firmly established, that the proclamation issued against Bothwell, on the depositions of Powrie and Dalgleish, June 26, declared, “ of the quhilk murder now by just *trial taken*, “ he is found not only to have been the inven- “ ter and deviser, but the executor with his awin “ hands, *as his awin servants*, being in company “ with him, at that unworthy fact hes testified ²⁸.”

Hay and Hepburn were not then apprehended to explain the fact ; nor was it known that they were locked in the queen’s chamber ; and as Powrie, Dalgleish, and Wilson were left by Bothwell at the garden wall, the privy council concluded from their evidence, that he had entered the house with Paris, to strangle the king with his own hands, before the explosion took place. Buchanan was impressed with the same persuasion, which every historian of the age adopted ; and from more recent, but doubtful information, he describes the conspirators in his History, as divided into two bands ; one of which entering from Hamilton house, strangled the king and his servants, and carried their dead bodies through the postern into the adjacent fields, when the other, on a signal given, set fire to the train ²⁹.

²⁸ Anderson, i. 140.

²⁹ Buchanan’s Hist. l. xviii. 351. l. xx. 397. From comparing these passages, it is evident that Buchanan supposed

As the operation of gunpowder is better understood, it is now admitted, that their bodies, from the intervention of the floor and bedding, were thrown out untouched by the explosion, and that, if they had fallen on the water, their lives might have been preserved³⁰. When the murderers were particularly interrogated, their depositions and confessions concurred in the fact, "that the king was handlit by na man's hands;" but the

the archbishop's servants to have murdered the king, and Bothwell's, *dato signo*, to have blown up the house. Goodall by dint of false translation, "*Archiepiscopus libenter trucidandæ regis, partes sibi oblatas suscepit*," *that he willingly undertook the employment*, represents the two passages as inconsistent, in order to extract a wretched argument for Bothwell's vindication; as if Buchanan had transferred the whole employment, instead of the *partes sibi oblatas*, to the archbishop. Buchanan's information is confirmed by Crawford's MS. which Spottiswood, from different passages, seems to have consulted; that Robertson, a priest, was confronted with the archbishop, before his (the archbishop's) execution, and affirmed that Black John Hamilton, one of the archbishop's servants, confessed at his death, that he was present at the murder by his master's orders; to which the latter replied, that "he synit deadly to lay it upoun him quha knew nathing of the matter, as also he synit to reveal any confessioun." The archbishop was undoubtedly privy to the murder, and seems to have watched with his servants at Hamilton house, till the explosion took place; but Buchanan's inference is erroneous, that the archbishop's servants were employed to strangle Darnley, and Bothwell's servants to blow up the house.

³⁰ Hume, v. 107. n. Whitaker, iii. 298.

CHAP. VII. supposed forgers never would have discredited their professed opinion, nor have forbore to avail themselves of the popular belief, which they had no interest or inclination to contradict.

and the
coinci-
dence with
other facts.

But the strongest confirmation is the unintentional coincidence of minute facts. The depositions all declare, that the conspirators returned, after the explosion, to a broken part of the town wall in Leith wynd, which Bothwell was unable, or afraid to leap, but the reason, *because of his sair hand*, is assigned only by Hepburn; and we discover elsewhere, that his hand was *deidly wounded*, or maimed in Liddesdale, to which the long letter from Glasgow alludes, "that the bracelet " might be seen if he should chance to be hurt³¹." According to the depositions of Dalgleish and Powrie, Bothwell knocked and called in vain at Ormiston's lodgings when he returned at midnight to the Kirk of Field; and Ormiston, who was taken and executed six years afterwards, by the regent Morton, declared in his confession, that when the powder was lodged in the queen's chamber, he returned home and went to bed, "to avoid suspicion, that na man might say he was at the " deid doing." We discover from Robert Melville's letter, that in Hay's deposition, and probably in the others, Huntley's concern in the mur-

³¹ See Appendix, No. XXI.

der was suppressed, as that potent nobleman was treating then for a reconciliation with the regent. But the imperfect abstract of Hepburn's confession, alludes incidentally to a bond of which Sir James Balfour was the principal deviser, subscribed by the nobility for the murder of Darnley, and acknowledging the queen's mind "thairto." And the confession of Ormiston explains the evidence against Huntley which was suppressed so carefully in Hay's deposition; that at Easter a bond or contract for the removal of Darnley, as a young, proud, and tyrannical fool, unfit to reign, was shewn him by Bothwell; that the bond had been devised by Sir James Balfour, and signed (at Craigmillar) by Huntley, Argyle, Lethington and Balfour about a quarter of a year before the deed was done³². Ormiston's confession was taken and attested, in December 1573, by Brand a clergyman; and an observation of Spottiswood's renders the authenticity of it indisputable; "that not the less the regent, to the offence of many, did suffer the said Balfour to enjoy the benefit of the pacification, and passed an act thereof in council³³." But Morton never would have inserted among the regicides, the names of Argyle the chancellor, and of Balfour whom he was then solicitous to preserve.

6. The depositions are strictly confined to the

³² See Appendix, No. XXVII.

³³ Spottiswood, 274.

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The con-
fessions
quoted by
Lesly.

murder ; as the design was to procure judicial evidence against Bothwell and his associates, not to implicate the queen in his guilt. The letters therefore were not introduced ; nor a *single* circumstance not connected with the actual perpetration of the crime. But the silence, or ignorance of the subordinate actors, is assumed as a proof, or converted rather into a positive confession, not only of the queen's innocence, but of the guilt of her accusers³⁴. The first intimation of the fact is in a letter from archbishop Beton to the cardinal of Lorrain, (February 8th, 1568,) containing the sum of the dispatches from Scotland. “ Environ les
“ fetes de noel dernier, douze ou quinze des prin-
“ cipaux serviteurs du Conte Bondouel furent
“ prins prisonniers aux isles des Orcades, par Mon-
“ sieur de St. Croix l'un des freres bastardes de
“ la royne, qui pour le jourdhui s'est faict conte des
“ dites Isles, lesquelles par tempeste de la mer fu-
“ rent contraincts y prendre terre, et apres menez
“ à Lislebourgh, et accuse de meurtre furent con-
“ damnez à mort et toutesfois executez en prison,
“ pourceque quelques ungs d'eux, ayent demande
“ de grace estre ouy par le conte de Murray, con-
“ fesserent bien avoir merite la mort, declarant
“ l'innocence de la royne et accusent les plus
“ grands et principaux de son conceil, qui assis-
“ toient lors avec lui, et mesmes le conte de Mor-

³⁴. Whitaker, iii. 283—6—9.

“thon et le secretaire Ledinton et Balfour qui
 “estoit capitaine de chatteau de Lislebourgh;
 “et le dit conte leur maitre en Danemark³⁵.”

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Such defective intelligence could not well be transmitted from Scotland, that twelve or fifteen of Bothwell's principal servants had been taken in Orkney and executed in prison; instead of four executed in public, of whom Hepburn alone had been taken by Grange and the bishop of Orkney, on board of one of Bothwell's ships in Shetland. Lord Robert was not created earl of Orkney till 1581, but it was secretly understood that Morton was privy, and Balfour and Lethington accessory to the murder, and the queen's innocence was a necessary addition, in a letter to the cardinal of Lorraine her uncle. The fact was afterwards improved by Lesly, into a public confession, uttered in the presence of many thousands at the place of execution. In the Instructions from the lords and abbots of her party, he presumes that Mary never would have consented to the murder, having other likely means of divorce or a sentence of death, to be quit of her husband, “by the lords own device at

<sup>35</sup> MSS. Brit. Mus. Ayscough's Cat. 3199, from Mem. Scot. tom. 3. Hay was examined on the 13th of September, apparently before Grange's return from Shetland; and Hepburn on the 8th of December thereafter. Accordingly the one says in his confession, that he was betrayed into lord Lindsay's hands, the other that he had ships provided to flee, but could not escape. See Appendix, No. XXIV.



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“*Craigmillar*, bot it may be inferrit that they were  
“ the doaris thairroff onlie, *as was deponit* by thaim  
“ quha sufferet death thairfoir, quha declarit at all  
“ times the quene our sovereign to be innocent  
“ thairroff <sup>36</sup>.” In the memorial read by Herreis,  
when Murray’s accusation was presented at Westminster, he declared that her adversaries were themselves “ the first inventars, writars with thair  
“ own hand of that devilish band, the conspiracie  
“ of the slaughter of her late spouse, presentit to  
“ thair wickit confederate Bothwell, as was made  
“ manifest befoir ten thousand people, at the  
“ execution of certain the principal offendaris at  
“ Edinburgh <sup>37</sup>.” The paper was presented by Lesly himself; but amidst those vague assertions concerning the bond which was devised and signed by Balfour and Lethington whom he durst not name, it is observable that he is silent concerning the only fact in dispute, though inserted in his Instructions without hesitation, that the queen’s innocence and the guilt of her accusers were attested by the criminals themselves at their death. But the fact which he durst not assert at the conference, is introduced at length, in his Defence of Mary’s Honour. “Is it not full well known think ye, that ye and  
“ the earls Bothwell, *Morton and others assembled at*  
“ *the castle of Craigmillar* and other places at divers

<sup>36</sup> Goodall, ii. 359.

<sup>37</sup> Id. 211. Anderson, iv. 129.

“ times, to consult and devise upon this mischief?  
“ If need were we could rehearse and recount the  
“ whole sum and effect of the oration made by  
“ the most eloquent amongst you, to stir up, ex-  
“ hort and inflame your faction *then present*, to de-  
“ termine and resolve themselves to dispatch and  
“ make a hand with the lord Darnley. We can  
“ tell you that there were interchangeable inden-  
“ tures made and subscribed by you, that he which  
“ had the best opportunity offered, to make him  
“ away, should forthwith take it in hand, and  
“ dispatch him. We can tell you, and so can five  
“ thousand and more of their own hearing, that  
“ John Hepburn the earl Bothwell’s servant,  
“ being executed for his and your traiterous fact,  
“ did openly say and testify, as he should answer  
“ to the contrary before God, that you were prin-  
“ cipal authors, counsellors and assisters with his  
“ master, of this execrable murder, and that his  
“ said master so told him; and farthermore, that  
“ he himself had seen the indentures we spake of.  
“ We can tell you that John Hay of Galloway,  
“ (Talla) that Powrie, that Dalgleish, and last of  
“ all that Paris, all being put to death for this crime,  
“ took God to record, at the time of their death,  
“ that this murder was by your counsel, inven-  
“ tion, and drift committed, who also declared  
“ that they never knew the queen to be partici-  
“ pant or aware thereof; that as for no torments  
“ nor fair promises they could be brought falsely

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“ to accuse their mistress, so without any torments  
“ at all they have voluntarily purged her, and so  
“ laid the burden upon your necks and shoulders  
“ that ye shall never be able shake it off:<sup>38</sup>”

Such declamatory invectives addressed to no one in particular, and conveying no distinct information, are the sole authorities of those who adopt, as a rule of judgment, every assertion which Mary's early apologists have chosen to advance, and to reject every fact which her opponents have endeavoured to prove. But the rhetorical intimation of what was full well known, implies that it was not known: what they could tell signifies in plain language what could not be told; and on this subject Lesly's veracity may be ascertained at once. None were present at Craigmillar, but Huntley, Argyle, and Lethington, who signed the bond devised by Balfour, and Mur-

<sup>38</sup> Anderson, i. 76. Tytler has a long argument to prove that Lesly's assertion concerning Paris's confession, passed uncontradicted by Murray, who must have seen it, as the first edition was printed at the end of the year 1569, and Murray's death happened on the 23d of January, 1569—70. Tytler, i. 297. By this double supputation the fact is disguised, that the end of the year 1569 was March 25th, 1570, according to our present computation of time. Murray was shot, as Goodall expresses his assassination, on the 22d of January 1569-70, and Lesly's defence was printed at Easter thereafter, which happened that year before the 25th of March. Whitaker, iii. 494. But Lesly's assertion was expressly contradicted in Buchanan's *Detection*, by publishing the genuine confessions of the criminals at the place of execution.

ray whom Beton's letter acquits, and whom Lesly has not ventured to accuse or even to name. Morton and his associates were then residing as exiles in England; and the intimation that they were actually present at the conference at Craigmillar, was a fiction of which Lesly himself was conscious, and which he wished to insinuate, but was afraid to assert directly as a fact. When branded with such notorious marks of misrepresentation and fiction, his assertion, that the criminals confessed at their execution in the presence of many thousands, that the queen was innocent, and that her accusers were the chief authors of the murder, must be supported by better authority than his own word. The confession of what Bothwell told his servants would amount to nothing if genuine, as it was his policy as well as the queen's, to transfer the imputation of the crime to Murray. But the fact inserted in Lesly's instructions, and suppressed at the conference, was introduced into an anonymous pamphlet with the less hesitation; and it admits of this obvious confutation, that the confessions ascribed to the criminals in the presence of thousands, at the place of execution, were unknown in Scotland, and are not once mentioned by a single historian of the age. Not to insist on Buchanan's silence, Melvil and the author of Crawford's MS. who mention the seizure or the execution of the criminals taken

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in one of Bothwell's ships, Hollinshed and Thin his continuator, and the contemporary authors whom Calderwood consulted, or whose annals are still extant in manuscript, were all ignorant of those supposititious confessions of the queen's innocence, and of the guilt of her accusers. In the next century Camden improving on Lesly, transcribed his assertion with this notable mistake, that Paris, whom Lesly had mentioned in the same sentence, suffered at the same time (1567) with Dalgleish and Powrie; and with this remarkable addition, that they understood from Bothwell, that Murray and Morton were the authors of the regicide, from all suspicion of which they absolved the queen<sup>39</sup>. Paris is mentioned in Crawford's MS. as one of the devisers of the king's death, but that he denied the fact at his execution, is one of Craw-

<sup>39</sup> Camden's Annals, 121. Sir James Balfour in his MS. Annals, transcribes this passage from Camden, with the same mistake, which points out, as their sole authority, Lesly who mentions the execution of Hay, Powrie, Dalgleish, and Paris in the same breath. Sir James wrote about the year 1632; and in another part of his Annals he informs us, "that the murderer of this innocent prince was known to be Bothwell, &c. by those who best understood how matters went at court. But the popish affected that applauded the queen's wicked courses, spread a rumour and laid the crime on Morton and Murray, which the queen mainly laboured to do by her answers to foreign princes."

ford's numerous interpolations or forgeries, which Goodall had not the honesty to correct <sup>40</sup>.

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Paris's confession or first declaration.

7. Had the queen's share or concurrence in the murder been concealed from those who had no access to her person, her connivance could not have escaped the observation of Paris, the confidential servant whom she received from Bothwell. The question has been repeatedly asked, why he was not produced during the conference at Westminster, by those who should have known that he was not then apprehended. His name and Ormiston's are inserted in Bothwell's attainder, (December 20th, 1567,) and the rest were executed (January the 3d, 1567-8) before any idea was entertained of the Conference at Westminster <sup>41</sup>. From an original letter of Murray's to Elizabeth, it appears that Paris, who had arrived at Leith about the middle of

<sup>40</sup> Crawford's Memoirs, 113. In the original MS. "The regent passed to St. Andrew's quhair a notabill sorceress called Nicnevin was condemnit to the death and burnt, and a Frenchman callit Paris, quha was ane of the devyseris of the king's death, was hangit in St. Andrew's, and with him William Steward Lyonn, king of armes, for divers points of witchcraft and necromancie."

<sup>41</sup> Keith's assertion, (366) that Paris had been two years and a half in prison when the confession was made, has been transcribed implicitly by Tytler, Guthrie, and Stuart, who, had they read the conferences at Westminster, would have found in Anderson iv. 152. that he was then an outlaw. Whitaker first perceived and corrected Keith's mistake. Whitaker, i. 469.

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June 1569, was conveyed to St. Andrew's, as the regent was then engaged in a progress through the north, and that he was executed by order of law (August 16th) after a diligent and circumspect examination, on the regent's return<sup>42</sup>. His confession on the 9th, which occasioned his examination on the 10th of August, has been preposterously questioned by those who never saw the original, of which an abridged translation from Calderwood's History, was published by Goodall, as the proof of a forgery which he never examined, instead of the French original in the Cotton library, to which he seems to have had no personal access<sup>43</sup>. It is written in an indifferent French hand; is signed at the end of each leaf and at the conclusion with a contraction of the initials of Nicholas Hubert, nick-named Paris, and appears to be a free and voluntary confession, made professedly without interrogation or constraint. Its internal marks of authenticity are indisputable; as it is delivered with an arch simplicity that is almost inimitable, and in a narrative quite dramatic, which could occur only to a person strongly impressed with the precise words that were uttered in the scenes which he describes. It abounds, as Robertson observes, with a number of minute facts and particularities which the most dexterous

<sup>42</sup> See Appendix, No. XXVI.

<sup>43</sup> Goodall, i. 137.

forger could not have easily assembled and connected together with any appearance of probability ; and with circumstances which could have occurred only to one of Paris's character and rank in life <sup>44</sup>. He endeavours at once to conceal the queen's guilt, and to represent his own share in the murder as accidental or compulsive. On Wednesday or Thursday, when the murder was first proposed, he attempted to dissuade Bothwell from the design as dangerous ; but the latter replied, " Comment sera ce ! car j'ay, dis a, Ledding-  
 " ton, qui est estyme l'ung des meilleurs espricts  
 " de ce paiscy, et qui est l'entrepreneur de tout  
 " cecy ; en apres j'ay Mons<sup>r</sup>. d'Argyle, mon  
 " frere Monsieur de Hontlye, Mons<sup>rs</sup>. de Mor-  
 " ton, Ruthen, et Lindsay. Les trois la une fois  
 " ne me fauldront jamais car j'ay parle pour leur  
 " grace, et ay tous les signes de ceulx cy que je t'ay  
 " nommes, et ausy avons envie de la faire derniere-  
 " ment que nous fumes a Craigmillar." After some flattering compliments to Murray's former administration <sup>45</sup>, Paris next demands, " Quelle

<sup>44</sup> Robertson, ii. 341.

<sup>45</sup> See Appendix, No. XXVI. Goodall (i. 145.) wonders how Paris knew any thing of Murray's administration from 1562 to 1565, while Bothwell was in France. From the original confession, which Goodall never saw, it appears that Paris had quitted Bothwell's service in England, and returned to Scotland, where, as Buchanan intimates, he probably remained in lord Seton's service, till Bothwell's recall.



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“ parte cestuy la prend ? Ce dict-il, il ne se veult  
 “ point meler. Monsieur, cedi-je, il est sage. Adonc  
 “ Monsieur de Boduel restorne sa teste vers moy,  
 “ et me deist, Monsieur de Morra ! Monsieur de  
 “ Morra ! il ne veult ne ayder ne nuire ; mais c’est  
 “ tout ung : Bien, bien Monsieur, ce di-je, il ne  
 “ le faicte sans cause, et vous le voyres.” Both-

well’s answer, that Murray would neither help nor hurt them, is in the same strain with Lethington’s at Craigmillar, that he would look through his fingers saying nothing thereto ; but an allusion to that conference was the last circumstance which Murray would have introduced if the confession had been forged. How desirous soever to criminate Lethington by a forged confession, Murray never would have implicated his three principal adherents, in a manner seeming at first to imply, that they had signed the bond for the murder of Darnley ; much less would he have involved himself in the suspicion of a tacit connivance at his death. Bothwell, on the contrary, relied naturally on the assistance of Morton, Ruthven, and Lindsay ; but the signatures which he procured, as explained by the context, are limited to Lethington, Argyle and Huntley, *as they would have done it the last time that they were at Craigmillar*, before Morton and his associates were permitted to return. Whether or no the design was prevented then, by Murray’s presence, he denied, in his answer to the protestation transmitted to

Huntley, that *any unlawful purpose was held in his audience*; and he certainly would have introduced no intimation of his own connivance, upon which Lethington and Bothwell, on the first covert proposal of the murder at Craigmillar, appear to have both relied. From an impartial explanation of his conduct, the conspiracy of which he was ignorant then, could not well have escaped his observation afterwards, when he left town on the eve of the murder, in order to avoid all apparent concern in a crime which he could not prevent<sup>46</sup>. When Paris heard of his departure, the idea was irresistible. “Moy entendant ceste parole (qui Monsieur de Morray venoit prendre son conge de la Royne pour aller veoyr madame sa femme) j’aperseu incōtinent, qu’il le faisoit pour se destorner de se faict meschant; la dessus je m’en allois me pormener Lastarik et m’en vois subvenir des paroles que j’avoys dictes du dict Sie<sup>r</sup>. de Morray a Monsjeur de Bodvel, et aussi ce qu’il m’en avoit respondu: a ceste heur la je dis en moy mesme, O! Monsieur de Morray tu es homme de bien, pleust a Dieu que tu sceaus mon cœur.” Such an artful intermixture of truth and flattery was extremely natural to one in Paris’s situation; but on the supposition of forgery, Murray and Morton must have been industrious to insert every circumstance which it was their interest to conceal. In the circumstances, and in

<sup>46</sup> Supra, ch. ii. § 5.

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the secret steps of the murder, the confession coincides minutely with the former depositions ; but Paris, who studied to suppress the queen's concern in the deed, has betrayed inadvertently a single circumstance decisive of her guilt. On her return to the abbey on Saturday, Margaret Carwood, her confidential servant, desired Paris to bring the coverlet of the queen's bed, which was probably valuable, from the Kirk of Field ; and when she supped on Sunday with the bishop of Argyle, she asked him herself if the coverlet was removed.

His examination  
and second  
declaration

8. Paris, in consequence of his confession, was examined next day, and as his declaration is delivered in the same strain of arch simplicity, if the one be genuine, the other cannot be less authentic. Nothing in fact can be more natural or regular, than the whole procedure. As the first is a voluntary confession, delivered without interrogation or constraint, the second is a declaration in answer to certain interrogatories, on those circumstances which he had endeavoured at first to conceal. To the first interrogatory, *quand premierement il entra en credit avec la Roynie*, he replied, that it was at Callender, on her journey to Glasgow, when she gave him a purse of three or four hundred crowns to carry to Bothwell ; which has furnished those persons who are ignorant of the language, or inattentive to the context, with a new objection ; that she should give him a purse to carry to Glasgow, and to return with it afterwards to Bothwell at Edinburgh, to whom she

might have delivered it herself on his departure from Callender. If Whitaker had read, or understood the context, he must have perceived that the purse was delivered to Bothwell on the road, before his return to Edinburgh. "Qu'alors elle luy baylla une bourse la ou'il avoit environs 3 ou 4 cens escus, pour la porter a Monsieur Boduel, lequel apres avoir receu la dicte bourse, sur le chemin entre Callendar et Glasgow, luy dict que le dict Paris s'en allast avec la Royne, et qu'il se tint pres d'elle, et qu'il regardast bien a ce qu'elle feroit, luy disant que la Royne luy donneroit des lettres pour les luy porter <sup>47</sup>."

The heavy purse which he received and delivered to his master, was naturally introduced as the first circumstance of his entry into the queen's service; and he proceeds, on his return with the letters from Glasgow, to explain Lethington's share in recommending, and Balfour's in preparing the Kirk of Field for the king's reception. The historical fact has not hitherto been observed, that it was in consequence of this information alone, that Balfour and Lethington were accused and arrested, (September 3, 1569,) at the instigation of Lennox, as accessory to the murder; but the former escaped, and the latter was preserved by the queen's friends assembling in arms for his rescue,

<sup>47</sup> See Appendix, No. XXVII. Whitaker, who had evidently read the passage, misunderstood *lequel* as relative to Paris, instead of Bothwell, ii. 315.

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which compelled the regent to adjourn his trial<sup>48</sup>. The explanation of the letters has already been anticipated; and when interrogated what he knew of the design, in the interval between the king's arrival and the perpetration of the murder, Paris referred to his former confession, with this addition: that Bothwell on the first proposal of the enterprize, forbade him to place the queen's bed directly under the king's, where the powder was to be laid; and as he placed it there, the queen who slept for the first time that same night, at the Kirk of Field, observed "sot que tu es, jé ne veux pas " que mon lit soit en ce endroit la," and actually made him remove the bed. From these words perceiving that she was apprised of the design, he informed her that he was ordered by Bothwell to bring him the keys of her chamber, "et qu'il a " envie d'y faire quelque chose, c'est de faire sauver le Roy en l'air par pouldre qu'il y fera mettre;" (an explanation apparently addressed to his examiner) to which she replied, "ne me parle " poynt de cela ceste heurecy, ce dict elle, fais en " ce qu'on voudras." When interrogated whether she conversed any farther on the same subject that night, he declared that when she went to bed she did not sleep all night, but that she wrote and sent a letter to Bothwell; that on Friday morning he returned with an answer from Both-

<sup>48</sup> See Appendix, No. XXVIII.

well that he would not sleep till he had finished his enterprize; that the queen was still in bed, and while she was dressing he took the two keys of her chamber to Bothwell, who compared them with other false keys and returned them again; that during her absence, Beton, the usher, required the keys to let the queen into the garden, and on his return she demanded aloud why he had carried the keys away; that when he asked her apart why she had challenged him publicly, when she knew for what purpose they were taken? "Ha, ce dict-elle, Paris, c'est tout ung: ne te soucie, ne te soucie;" and that as far as he can remember, she slept again that Friday night at the Kirk of Field; and again sent him with letters to Bothwell.

The objections to these facts are numerous at least, if not always just. That Paris, when uncertain in his confession, whether the enterprize was first proposed by Bothwell on Wednesday or on Thursday, should recollect distinctly on his examination, that the next day was Friday: that he should be employed in *dressing* or putting the queen's bed in order; that he should be admitted into her chamber when in bed at midnight, or suffered to attend in the morning when she rose and dressed; that Bothwell should promise not to sleep for three nights, till the murder was accomplished, are rejected as circumstances utterly improbable, or at least as inconsistent with

Objections  
to the second  
declaration.

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all female decorum<sup>49</sup>. But the best confirmation of evidence is the objection itself; that the witness was conducted insensibly, by a train of circumstances, to the precise date which he was unable to recollect at first. If uncertain whether the design was communicated on Wednesday or on Thursday, he remembered distinctly, in his first declaration, that he had been ordered on that occasion to bring the keys, and had returned to Bothwell on Friday morning; in the second, that the queen slept that same night on which the murder was first proposed, at the Kirk of Field. The intermediate circumstances which he wished to conceal, that she made him remove the bed that night, and sent him at midnight with letters to Bothwell, to whom, on his return to her apartment on Friday morning, he carried the keys, conduct us to the date of which he was uncertain, that the queen lodged on Thursday for the first time at the Kirk of Field, when Bothwell first communicated the design to Paris, on the same day that it had been imparted to Hepburn. Her accusers imagined that she slept there on Wednesday night, but whether Nelson or Paris mistook the day, the first design was to assassinate Darnley in the fields, and the second was to blow the house up on Saturday night. Bothwell, therefore, if the *enterprise* referred to the murder, might well promise before the time was fixed, not to sleep till it

<sup>49</sup> Keith, 366. Tytler, i. 312. Whitaker, iii. 267. n.

was accomplished ; and in the queen's letter on Friday, " gif it be not that I fear ye are in sleep-  
" ing," seems to refer to the same words. That Paris was employed to *dress*, or to put the queen's bed in order, proceeds from a ludicrous misapprehension of the French phrase, *dresser un lit*, which Tytler, ignorant of the idiom, mistook for *faire un lit*: and imagined that her chamberlain, " qui voulu  
" *dresser le lict de la Royne en sa chambre*," was employed in making, instead of setting up the queen's bed <sup>50</sup>. " Et comme elle s'abilloit le dit Paris prend  
" le deux clefs de la chambre et les luy apporte," implies, not as supposed by Whitaker, that she rose and dressed in his presence, but that he went with the keys to Bothwell, while the queen was dressing, after which she wanted to pass into the garden before his return <sup>51</sup>. The great source of historical error, is to estimate the facts or customs of a former period by those of our own. Hence the

<sup>50</sup> A very decent office, truly, says Tytler, (i. 312,) who, in translating the passage, adopted Keith's objection, that he was employed in making the queen's bed. Keith, 366.

<sup>51</sup> As Beton missed the keys, when the queen, imagining the back door left open, had occasion to pass into the garden, she questioned Paris aloud on his return ; evidently to remove all suspicion from herself. From this incident, the reader will observe, that Beton, to whom, as usher of the queen's chamber door, the custody of the keys belonged, and without whose connivance the murder could not well be perpetrated, obtained on Sunday a grant of the vicarage of Dunlop, and according to Ormiston's confession, accompanied Bothwell to the Blackfriar's gate when the powder arrived.



apologists for Mary, who ascribe to their heroine all the sentimental delicacy of modern times, reject whatsoever appears repugnant to that ideal perfection, which is the mere creature of their own romance. Chatellet's familiarity in her cabinet, when "she wald lye on his shouldars, and sometimes pre- vily wald steal a kiss of his necke," gave birth at least to the most presumptuous hopes <sup>52</sup>; and Darnley's jealousy was first excited by Rizio's familiar access to her chamber, for which an early apologist makes this excuse: "que ceste Royne ayent "este nourrie en France se ressenoit des libertes "honnestes de ceste royaume ou les soupsons ont "esloignes des privautes esuelles l'infamie et sa- "lete ne scauroient avoir entree quelcounque <sup>53</sup>."

<sup>52</sup>In the MS. copies of Knox's History, "Wise men judge such fashions," (the queen's *dancing of the purpose*, with Chattelet) "*mair like to the borthel than to the someliness of honest women.* All this winter Chattelet was so familiar in the queen's cabinet, air and lait, that scarcely culd ony of the nobility have access unto hir. The queen wald lye upoun Chattelet's shoulder, and sometyme previly wald steal a kiss of his necke: and all this was honest ynough, for it was the gentil entreatment of a stranger. Bot the familiarity was so grit, that upon a night he privily did convey himself under the queen's bed.—At the place of execution, he concluded looking into the heavens, with these words, O cruel dame! what that complaint imported *lovers may divine.*" Knox concludes, "deliver us, O Lord, from the rage of sick inordinate rewlars." Those passages in italicks were softened or omitted by David Buchanan, in the first editions, out of tenderness to Mary.

<sup>53</sup> L'Innocence de la Royne d'Escosse, 1572. Apud Jebb, i. 457.

The manners however of the French court, were as free and licentious then, as at a later period; and among the *honnêtes libertés* of the French dames, Brantome informs us; “Elles choisissent, “au moins aucuns, leur valets desquelles aucuns “sont beaux et autres non; comme j’en ay connu- “qu’ils ont fait, et si n’en faut prier longuement “leurs dits valets, car les levant, couchant, desha- “billant, chaussant, deschaussant, et leur baillent “leurs chemises, comme j’ay veu beaucoup de “filles a la cour et ailleurs qui n’en faisoient au- “cune difficulte n’y scruple <sup>54</sup>.” Without meaning to insinuate that Mary indulged in such indecent liberties, it is sufficient for me to observe, that according to the uniform custom of French dames, she admitted male visitants to her chamber, without scruple, when she was in bed herself. Le Croc the French ambassador writes to Beton, “Hier elle m’envoya querir, et la trouvoy, *en la* “*ruelle de son lit*, qui pleurroit bien fort. Elle “ma dit que son cote lui faisoit grand mal, et dail- “leurs le jour qu’elle partit de Lislebourgh pour “venir icy, elle tomba dessus la haquenie, et se fit “mal a un teton, elle me dit qu’il cuidoit en- “fler <sup>55</sup>.” Randolph the English resident, writes to Cecil, of a conference which he had with her majesty while she was abed, and how she excused

<sup>54</sup> Brantome, vol. viii.

<sup>55</sup> Keith, pref. 7. The original French is from Goodall's MSS.

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herself to him. “ I told her that I thought she “ had something in her belly that kept her waking: she smiled and said, indeed I may now “ speak with more assurance” (of being with child of James) “ than before I could, and think myself more out of doubt that it should be as ye “ think than before I did <sup>56</sup>.” When foreign ambassadors were admitted to such gross conversation at her bedside, there is no reason to suppose that her male attendants were excluded on other occasions: and the access which Paris, her chamberlain, had to her chamber, is not more surprising than the admission of Bothwell, as attested by Melvil, the morning after the murder, when the queen was in bed <sup>57</sup>.

frivolous  
or absurd.

The remaining objections are frivolous or absurd. In both declarations Bothwell, on his return to the abbey before the murder, having changed his clothes, took the taylor and Paris to the Kirk of Field, and as Powrie was the porter, the supposed error is ascribed to an intermediate Latin version in which *janitor*, the porter of the Scottish original, I know not how, was mistaken for *sartor* by the French translator <sup>58</sup>. But the Scotch copy retains the taylor of the French original; the persons present with Bothwell when the explosion took place, were Paris, Wilson, Hay, and Hepburn, Powrie and Dalgleish; and “ Both-

<sup>56</sup> Goodall, i. 276.

<sup>57</sup> Supra, ch. ii. Melvil, 78.

<sup>58</sup> Goodall, i. 146. Whitaker, iii. 215.

“ well sent the said Taylor, next morning, for Paris to come to a lower chamber, where were the two Ormistons, Hepburn, Dalgleish, Powrie and Paris himself.” Powrie therefore was not the taylor designed by Paris, but Wilson who was also present at the murder, and was attainted with Bothwell, but was never apprehended. In the second deposition Paris declares that on Monday morning between nine and ten he entered the queen’s chamber, “ *laquelle estoit bien close et son lict ia tendu du noyr en signe de deuil et de la chandelle allumer dedans ycelle la ou Madam Briant lay donnoit a dejeuner ung œuf frais, la ou aussi Monsieur de Bodvel arrive et parle à elle secretement soubz la courtin.*” The interpretation of this passage is obvious and indisputable ; that according to the fashion of the times, the chamber was closely shut, and the bed hung with black, with a candle ready to light therein, (*dedans la ruelle*, in Anderson, the narrow passage between the bed and the wall,) where Madam Briant was giving her (*lui*, the queen) a fresh egg for breakfast, and where Bothwell also came and spoke to her very secretly under the curtain. Forgetful, however, of the double signification of *lui*, him or her in the oblique case, Whitaker imagines that the egg was given to Paris himself for breakfast, (*lui* to him, according to another MS. *dedant la ruelle*, at the queen’s bedside,) and much absurd declamation is bestowed on the in-

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delicacy of converting the queen's bed room into a buttery hatch for the palace, when in bed herself<sup>59</sup>. Such ridiculous mistakes might be imputed either to haste or ignorance of a modern language, but the wilful confusion of the two caskets, to which we have already adverted, leaves no charitable excuse for the man who terms Hume brainsick and Robertson a liar<sup>60</sup>.

Principal  
objection  
removed.

But the chief objection, that no mention is made before whom the examination was taken, is removed by the attestation of the clerk of council, that, "this is the treu copy of the declaration and deposition of Nicholas Howbert, quhairoff the principal is markit every leif with his awin hand, and the same *being red again in his presence*, he avowed the same, and all parts and clauses thereoff, to be undoubtedly trew." The depositions of Powrie, Dalgleish, and the rest were taken at Edinburgh, in presence of the privy council, of which there was no quorum at St. Andrew's; and Hay the clerk, who attended the regent officially on his circuit, was undoubtedly employed to interrogate Paris on the circumstances concealed in his first declaration. To deduce from thence a presumption of forgery, is to suppose that Murray durst not authenticate the declaration which he had forged, by the names of those persons (himself or his associates) before whom it was

<sup>59</sup> Whitaker, iii. 269.

<sup>60</sup> Supra, note 1.

supposed to be taken. But the first voluntary declaration threatened to implicate, not only Huntley, Argyle, and Lethington, but Morton, Ruthven, Lindsay, and Murray himself in a presentiment of the design; and there was the strongest reason for an examination more secret than before the privy council, lest Balfour and Lethington should have withdrawn from justice, if their guilt were divulged. The originals and attested copies were transmitted, on different occasions, by the regent to England; but another copy retained in Scotland, was exhibited afterwards, with the depositions of Hay and Ormiston, on the trial of Archibald Douglas in the justiciary court. That these were transmitted from England, and again returned <sup>61</sup>, is an hypothesis which contains its own confutation; as Ormiston's, and the original of Hay's deposition remained always in Scotland, and Elizabeth never would have furnished evidence to the disparagement of Morton, and against a man whom she was willing to preserve. Doubtless the first declaration of Paris was alone produced, nor would James have consented, at the age of twenty, to criminate his mother by a public exhibition of the second declaration in the justiciary court. But the opportunity to discre-

<sup>61</sup> Whitaker, iii. 211. Ormiston's confession was never sent to England. Attested copies of Hay's deposition, &c. were produced at Westminster, but the originals remained in the justiciary office, though not engrossed in its books of adjournal.

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dit the two declarations, and to flatter James by a vindication of his mother's innocence, was too favourable to be omitted either by his ministers, or by Douglas, an artful, experienced courtier, if the least presumption, or surmise of forgery had then existed. The depositions, therefore, were produced, or tacitly authenticated in the justiciary court, almost twenty years after the murder was committed, when the regents had successively perished with their friends. But the judicial depositions were not inserted in Buchanan's Detection. A short abstract of the confessions at the place of execution, was annexed to it by Wilson, as a full confutation of those pretended confessions to which Lesly had appealed under a fictitious name.

Bothwell's  
testament  
or supposed  
confession.

9. The supposed testament or confession, in which Bothwell, with his last breath, absolves the queen, and transfers the murder to her accusers, must not be omitted. After his flight from Dunbar by sea, he remained with Huntley and the bishop of Murray in the north, till abandoned by both, and when refused admittance by Balfour's brother, into the castle of Kirkwall, he plundered the town, and retiring to Shetland, turned pirate for subsistence. Upon his escape from Grange in a single ship, he was seized for piracy on the coast of Norway, and when his person was recognized, he was kept in prison, where falling into a phrenzy, after eight years close confinement, he died mad. Repeated applications from

Murray, Lennox, and Elizabeth to the king of Denmark, were evaded on the most frivolous pretexts: that as Bothwell was already acquitted, as he said himself, by a legal judgment, some previous security was necessary for an impartial trial before he could be delivered up<sup>62</sup>. The true reason may be discovered in Mary's consanguinity to Frederick II. which determined the latter rather to retain Bothwell in perpetual imprisonment, than to confirm his cousin's infamy, by the surrender of her husband to the justice of his country; as his only defence, if brought to a public trial, was her participation in his guilt<sup>63</sup>. On receiving intelligence of his death, she wrote to Beton that he had made an ample confession of her innocence and of his own offences, attested, signed and sealed in form of a testament, by those witnesses whose names she mentions; and as the evidence was of such importance against the calumnies of her enemies, she desired her ambassador by every means to ascertain the fact. She had therefore seen the confession as it exists at present, of which the copy was communicated, (when, where, or to

June 1st,  
1576.

<sup>62</sup> See Appendix, No. XXIX.

<sup>63</sup> By the marriage of James III. with Margaret of Denmark, her nephew Christian III. and James IV. were first cousins; his son Frederick II. and James V. were second cousins. Frederick and Mary therefore were, according to the Scottish phrase, second cousins once removed, or related, according to the canon law, in the fourth degree.



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whom is uncertain) by a nameless merchant, worthy of credit, and the original at greater length in Latin and Danish, sealed with the seals of the Danish king, and of the witnesses whom she had named, would one day come to light to establish the innocence of the Scottish queen. Beton coldly replied, that he had heard long ago of Bothwell's death, since which the queen-mother, as he was told, had written to the French ambassador at Denmark, to transmit the testament in form, which had not been done; and he proposed to send Monceaux thither if money could be procured. Six months afterwards he informed her that Gately (or Barkley) was imprisoned on his arrival in Scotland, because he divulged what he had heard in London of Bothwell's testament; that Monceaux refused to undertake the journey without money; but that her son had seen the testament, and rejoiced at such a manifest declaration of his mother's innocence. About the same period she wrote to Beton that the king of Denmark, as she was informed, had transmitted Bothwell's testament to Elizabeth, who endeavoured to suppress it as much as possible; and that Monceaux's journey was unnecessary, since the queen-mother had sent thither to enquire<sup>64</sup>. After her execution, Blackwood, in 1578, appealed for her innocence to Bothwell's testament, which the

July 30.  
January 4,  
1576-7.

January 6.

<sup>64</sup> See Appendix, No. XXX.

king of Denmark had transmitted to Elizabeth and most of the princes in Christendom ; and his authority was adopted by Camden, and improved by Turner, whom Crawford has transcribed in his spurious Memoirs <sup>65</sup>.

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But the testament is a shallow forgery, of which Mary and Beton were both conscious ; and Bothwell himself, as he died mad, was incapable of a genuine confession at his death ⁶⁶. When interrogated concerning his accomplices, and the authors of the murder, he names at random, not only Murray, Morton, Argyle, and Lethington, but Crawford and Glencairn, who were certainly innocent, Boyd, Buccleugh, and Grange, who were never suspected, and my " lord Robert abbe de " St. Croix maintenant (1576) *comte des isles Orcha-* " *des.*" Lord Robert was created earl of Orkney in August 1581 ⁶⁷ ; but Beton who had heard, in 1567-8, of a grant which he had obtained of the earldom, or of the exchange of his abbacy with the bishop of Orkney, imagined, in his letter to the cardinal of Lorrain, that my lord of Orkney who accompanied Grange in pursuit of Bothwell, was the earl instead of the bishop, and the same

A manifest
forgery.

⁶⁵ Jebb, i. 415. ii. 227. Camden's Annals, 121. Crawford's Memoirs, 46.

⁶⁶ See Appendix, No. XXXI.

⁶⁷ Till then he was uniformly stiled lord Robert, or lord Robert of Holyroodhouse. Caligula, B. fol. 102, 121, 154, C. 6.

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mistake in Bothwell's testament, indicates that it proceeded from the same pen. Buccleugh's name was introduced from the placards against the murder, in Buchanan's Detection; "the quene" "assenting thairto through the persuasion of the" "erle Bothwell and the witchcraft of the lady" "Buccleugh;" and the last circumstance was adopted by the forger as the only apology of which her conduct was susceptible. "Poursuit apres," "comme par enchantement, auquel, de sa jeuness," "a Paris et ailleurs, il s'estort beaucoup addonné," "il avoit tirer la royne a l'aymer, soy deprestrant" "de sa femme." Valour, assiduity, and matchless impudence, were, according to lord Hailes, the enchantments employed by Bothwell, which have won many a heart as sage and obdurate as Mary's; but the pretext of magick, which the forger considered as a satisfactory apology, was a fiction that never could have occurred in a genuine confession. The queen and Beton were conscious that Bothwell practised no magick, nor was any enquiry attempted in Denmark, where they knew that no confirmation was to be obtained. Instead of testifying his own conviction, Beton informs her of the effect produced on her son, a boy ten years old, unable certainly to read the testament in French; and it is evident from the correspondence, that the one knew, and the other soon perceived, that the confession which the French ambassador had been unable to procure,

and which had never been sent, after Bothwell's death, to a single prince in Europe, was a mere fabrication. Three years after her execution, when her son landed in Norway, and passed a whole winter, on his marriage, at the Danish court, the curiosity of his attendants must have discovered the particulars of Bothwell's fate: his desire to vindicate his mother's innocence, would have led him to procure and to publish the original, or at least to ascertain that it was then in existence; and this circumstance is a decisive proof that the copy left by Beton to the Scottish college at Paris, or preserved with Mary's papers in the Cotton library, is a shallow forgery, as no such confession was ever made⁶⁸.

10. The last is Morton's confession, which was delivered to the clergy before his execution. Sir Morton's trial and confession.

⁶⁸ I need not now urge, how desperate Mary's cause must have been, when it required such a forgery for her vindication while alive. But her modern apologists, so loud and absurd in their assertions of forgery, are calm and quiescent on the only actual forgery, in the whole controversy, Crawford's accepted. No doubt Keith believed the confession which he published; but Goodall is satisfied, that if Bothwell had been delivered up, his enemies would have forged an opposite confession, an hundred times worse against him and the queen. Goodall, i. 363. Tytler, Robertson of Dalmeny, and Whitaker are mute. But Stuart, who admits the confession to be demonstratively a forgery, regrets, on Blackwood's authority, that the real confession, which he considers as a desideratum in our history, has never been published. Stuart, ii. 103.

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James Balfour had been invited, or sent from France, and from his confederacy with the duke of Lennox, and captain James Stewart, Morton was accused and imprisoned in the beginning of January, and condemned and executed in June 1581. From a copy of his trial which is still extant, it appears that “ the jury being ripely advised with
 “ the said dittay, talkens infallible and maist evident, with the probation produced and used for
 “ verifying the same, fyllit him of airt and pairt
 “ fore-knowledge and conceilling of the murder of
 “ the king ;” but the evidence on which he was condemned is not yet ascertained. Moyse, a servant of the king’s household, informs us in his Memoirs, “ that Morton was found guilty of art
 “ and part, the foreknowledge and concealing of
 “ the king’s murder ; especially in respect of sundry evidences in his dittay, presented to the assize, some of which were subscribed with his
 “ awn hand ; and otherwise it was attested by
 “ the depositions of some persons authors of that
 “ horrible fact⁶⁹.” The depositions were undoubtedly the same with those that were afterwards produced, on the trial and acquittal of Archibald Douglas ; namely, the declarations of Hay and Ormiston, and the first confession of Paris, the only deposition in which Morton was mentioned. Sir James Balfour was expected, on his arrival from France, to produce the

⁶⁹ Moyse’s Memoirs, 54.

bond for the murder of Darnley ⁷⁰; but we may be assured that it was not produced on the trial, as it was not signed by Morton, but was devised, if not signed by Balfour himself ⁷¹. The bond was signed at Craigmillar, and Morton's pardon was granted at Stirling, on a promise which he had transmitted from Newcastle, by Archibald Douglas, during the baptism, that he would concur with his associates, in a bond to support the queen's authority and to abandon her husband: but from the whole tenor of the interview at Whittingham, the fact is evident, that he refused

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⁷⁰ Robertson, ii. 506. Cotton library, Caligula, C. 6. f. 4.

⁷¹ The existence of such a bond is attested by the confessions of Hepburn, Paris, and Ormiston, and is alluded to in Archibald Douglas's letter to Mary. From that and from Ormiston's confession, it appears to have been couched in dark and covert terms, and however strange it may appear at present, or inconsistent with Lethington's caution, it was quite conformable to the spirit of the times. Bonds of manrent, maintenance, &c. were obligations for protection and aid, in the commission of crimes. The bond of indemnity was converted by Lesly into interchangeable indentures between Bothwell and Mary's accusers; (Anderson, ii. 76.) and Causin the jesuit, in his *Histoire de l'Incomparable Reine Marie Stuart*, assures us that her commissioners produced at Westminster, not only Bothwell's contract of marriage, signed by Murray and his adherents, but also this instrument of conspiracy against the deceased king, subscribed and signed with their hands and seals, and finally the depositions of Hepburn, Paris, and Dalgleish at their execution, acquitting Mary before all the people. In consequence of this notable fiction, she was pronounced innocent, and Murray stole away with confusion and fear. Jebb. ii. 70.

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to concur in the murder, much more in a bond to indemnify Bothwell for the murder of Darnley, without a written warrant under the queen's hand, Balfour himself, in his letter to Mary on Morton's imprisonment, explains the bond produced on the trial: "Quhairthrow (on Archibald Douglas's escape) the said erl takes the greater bauldness to deny all *things promisit* by him to Bothwell in that matter, except sa far as the bond, quhairoff I did send the copy to your majestie, does testify; and because I understand that some farther knowlege of that matter is come to your majestie's eiris, therefore man pray your majestie, to write unto me at length, all that your majestie has heard or knawn thairunto⁷²."

In a correspondence between one of the murderers and Mary, to convict Morton as an accessory, the words themselves, that in consequence of his emissary's escape, he took the greater boldness to deny all things promised by him to Bothwell, can admit only of one construction, that the things promised by Morton to Bothwell, were communicated by Bothwell to Balfour and the queen; and as the proof was still defective, understanding that some farther knowledge had come to her ears, he requests her to *write at length all that she had heard and known thereunto*: in other words, whatever she knew from Bothwell, from whom alone she could receive information of Morton's secret assurances,

⁷² See Appendix, No. XXXII.

in their interview at Whittingham. The bond of indemnity would have rendered Morton a principal, and the proof complete. But the copy sent by Balfour to the queen, was the bond of the nobility for Bothwell's marriage ⁷³, the only bond produced on Morton's trial, or acknowledged in his confession. His participation in the murder is explained in the verdict: "that he was guilty of art and part, foreknowledge and concealing"⁷⁴ (or as now expressed in indictments, that he was guilty, art and part, of the foreknowledge and concealing) "of the king's murder"⁷⁵; in which his art and part as an accessory, consists in the foreknowledge and concealment, to which it is expressly confined. The first part of the verdict surprised him so much, that he exclaimed, "art and part! art and part! God knows it is not so;" and according to Hume of Godscroft's History of the House of Douglas, the words were surreptitiously introduced by Arran, the prosecutor, as some foundation for a sentence of death ⁷⁵. Whatever was the evidence on which he was convicted, the verdict corresponds exactly with his confession, that he was informed previously of the design by Bothwell, who importuned him at Whittingham, to engage in the murder, as it was the queen's desire that Darnley should be removed,

⁷³ Keith, 382.

⁷⁴ See Appendix, No. XXXIII.

⁷⁵ Spottiswood, 313. Hume's Hist. House of Douglas, 352.

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genuine.

Their interview at Whittingham has been fully explained; and it appears that he shifted afterwards from place to place, to avoid Bothwell's solicitations to sign the bond ⁷⁶. Being at St. Andrews, he added, on a visit to the earl of Angus, (his nephew, then at college,) Archibald Douglas came with writing and credit from Bothwell, to require his concurrence and aid in the king's murder, which was near a point; but he refused to answer or intermeddle farther without the queen's warrant in writing, which was promised by Bothwell, but never produced ⁷⁷. That he was forced, by remorse of conscience, to attest her innocence on the scaffold, is a fiction of Strada's, transcribed by Crawford in his Memoirs ⁷⁸; and the veracity of Camden's History may be estimated from a remarkable addition to Morton's confession, that when he demanded her majesty's written warrant, Bothwell answered, "*hoc neu-*

⁷⁶ Birrel's Diary, 22. Crawford's Notes on Buchanan, 170. Hume's Hist. of the House of Douglas, 353.

⁷⁷ "I desired the earl Bothwell to bring the queen's handwryt of this matter for a warrant and then I could give him an answer; urtherways I would not meddle therewith, quhill warrant he never purchased, (or reported, Calderw.) unto me;" which Cotton's transcriber has altered to, "the which warrant he never brought, *or could procure*;" in opposition to the very next paragraph, that the earl Bothwell never brought, (or reported in the Scottish copies,) not that he could not procure, any warrant from the queen. Caligula, c. 6. fol. 145.

⁷⁸ Jebb, ii. 108. Crawford's Memoirs, 46.

“*tiquam fieri posse, at facinus, ipsa inconsulta,*
 “*conficiendum esse*”⁷⁹. When the apparent justice of his sentence was urged by the clergy, inasmuch as he confessed the foreknowledge and concealment of the murder; so far from acquitting Mary of a presentiment of the design, he replied, that he durst not reveal it for fear of his life. “For at that time to whom should I reveal it? To the queen? She was the doer thereof”⁸⁰. I was minded to have told it to the king’s” (James’s).

⁷⁹ This was to vindicate the queen, in describing the execution of the murderers in 1568, and as its sole foundation is the alteration made by Cotton’s transcriber in Morton’s confession, I consider it as an interpolation by Cotton himself. In the account of Morton’s execution in 1581, Camden adheres to the plain fact. “*Confessus enim erat, ut perhibent, Bothwellium et Archiebaldum Douglasium consilium tollendi regem impertisse, se vero, tempore tam ambiguo, non ausum aperire;*” a proof that the first was a gratuitous assertion interpolated by another, who had not adverted to Camden’s narrative of Morton’s death,

⁸⁰ Softened by Cotton’s transcriber to, “she was suspected thereof,” in opposition to every MS. extant in Scotland, and to the whole tenor of the confession itself. Morton durst not reveal it to the queen, not that she was suspected beforehand of the murder, but because she was the doer thereof, since it was her mind that the king should be taken away. A copy in Birch’s MSS. 4126. coincides minutely with three other copies in Scotch; Wood’s, Calderwood’s and Pat. Anderson’s MSS. which are now before me; but Cotton or his amanuensis, translates the confession throughout into English, and is careful to soften Morton’s strong, and homely expressions of the queen’s guilt.

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“ father, but yet I durst not, for fear of my life ;
 “ for I knew him to be sic a bairn, that there was
 “ nothing told him but he would reveal it to her
 “ again, and therefore I durst not for fear of my
 “ life ⁸¹.” The danger to which his life was ex-
 posed from the queen and Bothwell, if he revealed
 what he could not, or durst not prove, will, to
 those who are acquainted with the treason laws,
 or the state of Scotland at his return, appear a
 sufficient reason for concealing the design. When
 communicated to James, the confession appeared
 so satisfactory, even to Morton’s enemies, that he
 was recalled by Arran, when going to the scaffold,
 and urged to subscribe it before his execution.
 If he had extenuated his own guilt, or disavowed
 a single circumstance proved on the trial, the
 evidence remained in their hands to refute the
 confession ; but the trial itself was withheld from
 the record, and suppressed as improper for public
 view ⁸².

First pub-
 lished in
 Hollin-
 shed’s
 Chronicle.

The confession was first published in Thin’s
 Continuation of Hollinshed’s Chronicle, which has
 furnished an objection singularly absurd ; that the
 leaf in which it was contained, was cancelled by
 an order from the English court. After the in-
 terview at Whittingham, Thin intimates, that
 “ Morton opened a large discourse of the murder,

⁸¹ See Appendix, No. XXXIV.

⁸² Arnot’s Criminal Trials, 19.

“ laying the cause, the contriving, and the execu-
 “ tion thereof, on great persons now living.” And in the uncastrated copies, he adds to the confession, that “ he had not varied from the very
 “ words of his copy, in manner of penning it,
 “ but only in some few places of some parts of
 “ the matter, purposely omitted, because it con-
 “ tained the affairs of state, and the accusation of
 “ diverse persons now living; both which are
 “ neither needful to be known to the common
 “ people, nor meet to be opened to others, &c.⁸³”
 From these passages Whitaker infers that the great persons then living, were alive in England when Thin wrote; which unfolds an unheard-of mystery of iniquity; that they were no other than Elizabeth and Cecil, whose occult share in the murder was suppressed by an arbitrary mandate to cancel the leaf⁸⁴. It is in vain to ask those visionary disputants, to whom the maxim, *credunt simulque fingunt* is truly applicable, how an expurgatory order confined to the press, could alter the numerous copies of the confession, which are still extant and entire in manuscript. But if Whitaker had consulted the castrations of Hollinshed, instead of Guthrie’s fictions, he would have discovered that the last paragraph alone, of Morton’s confessions, (“ Sure I am the king shall lose

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⁸³ Hollinshed, ii. 429. Castrations of Hollinshed, 433. London, 1723.

⁸⁴ Whitaker, iii. 252—4.

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“ a good servant this day,” &c.) was contained in the cancelled sheets; and that it was restored *verbatim* in the leaf inserted in its place. The fact is, that Thin’s Continuation was hastily written, and corrected in the press. After a few copies were printed, the sheet was cancelled, to abridge a long digression on the dukes of Lennox and Somerset, with quotations from Lesly and Roger Wall; which were reduced from a sheet to a single leaf. Other sheets were also cancelled to retrench redundant matter, or to introduce additional information in its stead; but no part of Morton’s confession was omitted or altered, and the order from court to cancel the leaf was a fiction of Goodall’s converted by Guthrie and Whitaker into an order to castrate the confession itself⁸⁵. Morton’s discourse concerning the murder, was omitted equally in the uncastrated copies, and the whole sheet containing his confession remained uncanceled. The great persons then living, to whom he ascribed the cause, contrivance, and execution of the murder, were Mary herself, at whose desire it was perpetrated, and Archibald

⁸⁵ Goodall’s Appendix to Crawford’s Memoirs, edit. 2d. p. 26. Guthrie’s Hist. vi. 384. Whitaker, iii. 253. The last writer supposes that Thin’s copy was suppressed, and that the short and imperfect abstracts in Spottiswood, Crawford and Moyses’s Memoirs were circulated in its stead; id. 255. In borrowing Guthrie’s objections, Whitaker had never seen Goodall’s Appendix, nor the Castrations of Hollinshed, nor the Confession itself, *about* which he has written so much.

Douglas ; both alive and both in England, where the latter was ambassador in 1586, when Thin published.⁸⁶ The omission itself is explained in the passage quoted from the cancelled sheet. “ Be-
 “ cause it contained the affairs of state, and the
 “ accusation of diverse persons now living, both
 “ which are neither needful to be known of the
 “ common people, nor meet to be opened to
 “ others ; thereby to bring those in question,
 “ upon a report whereoff no farther hold can be
 “ taken, but that there was love or hatred be-
 “ tween the accuser and the accused ⁸⁷.” As Dou-
 glas, on his recent trial in Scotland, was acquitted of being present at the king’s murder, Thin considered the imputation as invidious, that he and Huntley, as he informed Morton, came with Bothwell to the Kirk of Field ⁸⁸. In the cancelled sheet the confession was said to be “ penned by
 “ such of the presbytery as were present, and fa-
 “ voured Morton in all respects, seeking to clear
 “ him of any evil imposed against him ;” but Thin was ignorant of the fact, that Morton was convicted on his trial, of nothing more than what his confession contained. If a suspicion, however, should be still entertained, that Morton knew more than he chose to confess, no rational doubt can remain, that the judicial depositions and confes-

⁸⁶ Hollinshed, ii. 459. Castrations, 421.

⁸⁷ Castrations, 433.

⁸⁸ See Appendix, No. XXXV.

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sions are authentick, and contain the most indisputable evidence of the queen's guilt.

Conclusion.

At the close of this long and minute investigation, it is unnecessary to recapitulate our former arguments, as each of the seven chapters to which the controversy is reduced, affords the same conclusion concerning the queen's guilt. Her secret participation in the murder of her husband, has been deduced so clearly from historical facts, and so firmly established by direct evidence, that it may appear surprising perhaps, how such a controversy should have originated at first, or have subsisted so long. The fate of Peter or of Paul excites no dispute; and mankind have witnessed the repetition of those crimes that are imputed to Mary, with open indifference or with secret approbation. But the reformation had diffused a more stern and inflexible morality through Europe; and though the Scots had been long addicted to assassination, to which the age itself was sufficiently inured, it is impossible, unless we peruse the state papers and histories of the period, to conceive with what execration and horror, Mary's adulterous marriage with the murderer of her husband, was viewed by the reformers, both at home and abroad, as the consummation of her crimes. Had she been content to retain Bothwell as her lover and her minister, whom she might discard at pleasure, she might have reigned with impunity, and no doubt of her guilt would have

now remained. When in consequence, however, of her flagitious nuptials, she had been driven from her throne and paternal kingdom, a large party, religious and political, became interested in her vindication, and would have excused her crimes, had she continued to reign. The papists in England had no hopes but from her succession to Elizabeth; her friends in Scotland were involved either in her crimes or in her misfortunes; and in both kingdoms, a declining party, whose existence depended on her preservation as their leader, grasped with eager credulity at the most outrageous fictions to conceal her guilt. But the interest which her sufferings, and long captivity had excited through Europe, was confirmed on her death by the unexampled trial and execution of a sovereign prince; and the innocence of the martyred queen became thenceforward an article, both of religious, and of political belief. Upon the accession of her son to the throne of England, the vindication of her character was recommended as the established doctrine at court; and during the struggles that ended in the expulsion of the Stuarts, the guilt or the innocence of Mary was adopted respectively, by opposite factions, as their first political badge of distinction. When the controversy began to be more accurately examined, and more distinctly understood, the Jacobites continued faithful in adversity to their ancient prejudices; and the last writers of an expiring

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faction have struggled hard to derive a fallacious triumph from the perversion of almost every historical fact. Even at present, when those party prejudices have nearly subsided, men of lively imagination, and of acute feelings, wish, and are therefore easily persuaded to regard Mary as innocent, in consequence of the commiseration naturally excited by her long imprisonment, her aggravated sufferings, and her tragical death. Men, however, of cool judgment, and more accurate observation, who distinguish between her misfortunes and her crimes, are impressed with a just and durable conviction of her guilt. The same distinction may be remarked among the disputants themselves. The suffering innocence of Mary is a theme appropriated to tragedy and romance; and her vindication consists entirely of popular arguments, and the misrepresentation of facts; of declamation, fiction, invective, ribaldry, and the grossest abuse. But the sober voice of impartial history, from Thuanus to Hume and Robertson, has deduced her guilt from the moral evidence which her conduct affords, and from a calm and accurate investigation of facts. The present Dissertation was undertaken to vindicate the conclusions formed by those great historians, and to introduce some final certainty into a question long contested, and perplexed beyond any former dispute. Popular arguments I have ever despised; but in a Dissertation strictly controversial, I have

avoided the discussion even of those probable motives of human conduct, upon which the sagacity of historians is so properly, and successfully exerted, to discover the remote, and latent causes of human events. I have spared no pains to discover, and, wherever they were accessible, to examine in person the original documents; and if the conclusions which I have drawn, are consistent with those historical facts to which I have uniformly appealed, the participation of Mary in the murder of her husband, must rest hereafter as an established truth, which no prejudice can evade, nor the perverse ingenuity of disputants confute.

APPENDIX.

APPENDIX.

No. I. Vol. I. Page 12.

*Letter from Secretary Lethington to the Archbishop
of Glasgow.*

MY LORD,

EFTER maist hartie commendation, yisterday in the
morning Monsieur du Croc dispeschit away by post
ane rramit Alexander Bog to mak advertysment to the
Q. mother in what state the Q. majestie than was, quhilk
indead was not gud, and yet at yesterday with that same
bearer it was written onto your L. I think his advertysment
was mayr desperate nor theyr appearit caus to many, bot
trewly hir majestie was veary sair handellit and lokit hir-
self for nathing bot death. Sensyne hir majestie is well
relevit of the extremitie of hir seiknes, and God hes been
sa gracious to this pure cuntry in the delivery of her
from that danger, that we have great cause to be thankful.
Within three hours efter the departure of the messenger,
hir hyghness began to better, and this nicht past tuk gude
rest, and hes had sick natural evacuations of the humours
that causit hir payne that now praysit be God, we think
hir out of all danger. By reasoun of Monsieur Du Croc
his advertysment, and the brute quhilk is ay swifter in

Brit. Mus.
Ayscough's
Cat. 3199.
f. 77. from
Mem. Scot.
in Colleg.
Scot. Raris.

evil tydings than in gude, I knew your L. wald be ay in payne till ye got new word, and thairfor I thought it my dewty to seik all occasions to mak your L. be with speid informit of the treuth of her recovery to releave you of that burdeyn. For that cause I desyrit Monsieur Du Croc to write to the ambassadour that lyes in Londoun, and I promist by my means to mak his letters be sent from Berwick to Mr. Cecill and by him deliverit in the ambassadours hands. It sall be agains my will gif your Lordship in tymes cuming be sa evill advertysit of all proceedings heir as I heare ye have bene in tymes past. The occasion of the quenis seikness sa far as I understand is causit of thought and displeasure and I trow by that I could wring furer of hir awin declaration to me, the rote of it is the king. For scho hes done him sa great honour without the advyse of her frends, and contrary to the advyse of her subjects, and he on the tother part hes recompensit her with sik ingratitude, and misuses himself sa far towards her, that it is ane heartbreak for her to think that he sould be hir husband, and how to be free of him scho sees na outgait. I write freely to your L. as to a man that being employit in the chairge ye beir, suld not be ignorant in quhat estait things stands at hayme, and yit as to a frend with quhom I may safely communicat my opinion. I see betwixt tham na agreement nor na appeirance that thay sall agree weill theirefter. At leist I am assurit that it hes bene hir mynd this gude quhile, and yit is as I write. How sone, or in quhat manner it may change God knawis. Upon some bruyte that raise before her cuming out of Edinbrought, of the kings voyage towards Flanders, or some other country, scho desyrit the noblemen and others of the counsil to subscriye letters to the king, Q. mother and Cardinal of Lorrain, containing a discourse of the proceedings betwix the kyng and her. I send you presently

the copy of the Q. mothers letter quhairby ye will understand the haill. As any thing occurs I sall mak your L. advertysment according to all occasions sall be offered; not as the Queens secretair, because sen my returning to court I haif receaved as yit na chairge to write to your L. But as a man that is willing to do your L. pleasure and service. Giff thayr be any thing in particular ye be willing to burdeyn me with, assure yourself ye haif powar to command me, and sa leaving to trouble your L. ony farder I commit your L. to God. From Jedbrought the 24 of October at nicht 1566. Your L. always to command,

W. MAITLAND.

No. II. Vol. I. Page 28.

THE revival of the archbishop's consistorial jurisdiction is denied by Whitaker, who maintains pertinaciously, that it had subsisted from before the reformation without the least interruption. As Bothwell's divorce was the consequence of this revived jurisdiction, and the sole instance in which it was exerted, it became the more necessary to deny the fact; but the evidence to which this writer appeals for his assertions, seldom fails to establish the very reverse. The jurisdiction of the spiritual courts was abolished, and the causes were transferred to the civil judge, by the parliament 1560, before the arrival of Mary, who made no attempt to oppose the acts passed by the protestants with whom she temporized. "Item thair is certain statutes and ordonancis maid, in quhat manner appellationis and supplicationis *per modum querela*, sould be pursuit befor the *temporal judge*, and na mair befor the *spiritual judge*, and siclyke, how letteris (writs) sall be geven upon acts without cursing (excommunication) upon liquidate dett, and four formis for fulfilling of ane deed." Heads of acts made in the parliament 1560. Keith, 152. In the act of council establishing commissary courts, (Dec. 28, 1563,) "the causes quhilk the poir leigis had decidit in the *consistorie*, of *befoir*, be lang delay of justice are frustrate, and thay compelled to leif the suit of the said caussis; thairfore that the saids caussis may haif the mair summar proces and shorter end," jurisdictions are erected, "in sundrie partis of this realm for discussing the saidis causis, and commissaries appointit to gif attendance thairupon". Keith, 251. This act is preposterously quoted as a proof that the consistories existed then, with a concurrent jurisdiction, when the commissary courts were erected; (Whitaker, iii. 373) in opposition to the plain and obvious meaning of the words, that the

causes decided in the consistories formerly, or of *befoir*, were frustrated by long delays, since they were transferred to the temporal judge; and commissaries are therefore appointed for the summary decision of the said causes, formerly competent to the consistorial courts. In the queen's letter to the court of session, March 1, 1563-4, for "directing letters (issuing writs) on the decret of the commissaries newly chosyn; For asmeikle as be *cessing of the jurisdiction* of the consistories of our realm, the actiones quhilks wer *wont to be discussit thairin*, hes takin sic lang delay that the lieges of our realm hes been greatly indamnagit thairthrow, we haif gifen commission to certain commissaries to discuss and decern sic causis as wes decyded of *befoir* in the consistorie;" and by another letter, July 24, 1564, the commissaries are authorised, on the death of persons intestate, to appoint executors, and give datives, or letters of administration, "siclike and in the same manner as the *bishoppis of auld wer wont to give*." Acts of Sederunt, 5-7. The consistories, therefore, had ceased in consequence of the acts 1560, before the commissary courts were erected; and the revival of the archbishop's consistorial jurisdiction is proved by the following record of the signature itself.

The Archbishop of Sanct Androis.

(Privy Seal Record, Book 35. fol. 99.)

Ane letter maid *restoring and reponing* our soverains weill belovd and traist counsallor Johne Archbishop of Sanct Androiss primat and legat of Scotland; To all and sundrie his jurisdictions als weill upoun the south as nort sydis of the water of Forth within the diocis of Sanct Androiss, Quhillk *pertenit* to the Archbishoprik of the samen; to be usit by him and his commissaries in all tyme coming in the same manner and form of justice as it is *now usit*: with all and sundrie commodities usit and wont

pertaining thereto. *Dicharging* by their presentis all utheris commissaries, clerks and utheris commissaries *now established* thairintil, of thair offices farder in that pairt. With power to thair said traist counsallor Johne Archbishop of Sanct Androis to *cheise commissaries clerks*, and *utheris oficiaris* throuhout all his saidis jurisdictions, to *minister justice* thairintill, and to confirm all and sundrie testaments be himself and his deputies in the samen moid as they are *usit at this present*. And siclike, That all testaments within this realm, above fiftie poundis, may be confirmit in all tymis be him and his commissaries, Siclike as they wer and are confirmit be the commissaries *now present*. And generallie that he use all and sundrie his jurisdictions donations of benefices and privileges like as he or any of his predecessors hes usit *of befair*, in all manner of sortis. Provyding always that the Lordis of thair session be thankful-
lie payit of sa mekle of the reddiest of the cottis of the saidis testaments as sal cum to the saids traist counsallors parts *pro rata* yeirlye of the soume of ane thousand sex hundret pundis quhilk thay haif grantit of befor to the saidis Lordis of Session, to be tane of the reddiest of cottis of testaments of the haill diocis of Scotland; notwithstanding any act or gift geven be thair hieness, in ony tyme by past in the contrair. Charging alswa the Lordis of Sessioun to gif letteris for forefilling and obeying of this thair present will and restauration, in dew forme as effeires &c. At Striveling this xxiii day of December the yier of God 1566 yiers.

In opposition to this record, the instances quoted by Whitaker, (iii. 370. 541) of a consistorial jurisdiction after the reformation, amount to nothing. Marriage might be annulled by the canons, as void *ab initio*; but as marriage was a sacrament, divorce was precisely limited to a separation *a mensa et thoro*. The reformers in Scotland, however, thought that the adulterer should be cut off, and the inno-

cent party permitted to marry again. But if the offender should be foolishly spared by the civil sword, and on fruits of repentance, reconciled to the church, then, on urgent necessity, for fear of further offence, he might use the remedy (of marriage) ordained by God. *First Book of Discipline; Marriage.* In conformity with these doctrines, the assembly of 1562, applied to the privy council to transfer actions of divorce to the church and its sessions, or else to establish judges of good repute (the commissaries) to decide such questions; and an appeal was made to the assembly 1563, from the bishop of Orkney's sentence in a cause of divorce. Keith, 515-24. The sentence undoubtedly preceded the reformation, as the next question before the assembly was the reversal of Hamilton the martyr's sentence in 1532; and the bishop of Orkney, a protestant, far from possessing a consistorial jurisdiction, had already obtained for a year, a commission as superintendent, from the same assembly to which the appeal was made. The new doctrine of divorce was not yet recognized by the civil judges, and the example merely proves, that before the appointment of commissaries, the assembly assumed the review of questions decided formerly in the consistorial courts.

The other example is not more to the purpose. A paper published by Tytler, (ii. 401.) containing a proof of the consanguinity between Bothwell and his cousin, lady Jane Gordon, is assumed by Whitaker (iii. 517) as a judicial act of the consistorial court. It is dated February 21, 1565, the day before their marriage; and is, evidently, an extrajudicial attestation of propinquity, as the first step towards a dispensation, "in the quhilk dispensation passit between them, sic process was usit." The proof was taken, not in consistory, but in the chamber of the commendator of Lindoris, bishop Lesly, Bothwell's procurator, before whom and lady Jean Gordon's procurator, it is attested by

Forrest, rector of Logie, Montrose, *prothonotarius ac datarius prefati domini, reverendissimi domini legati*. A verbal process taken in Lesly's chamber, and attested by the archbishop's secretary, as prothonotary and datary to his legatine powers, proves the very reverse of a consistorial court. It was merely the evidence on which a clandestine dispensation was probably granted by the legate, or his datary, which required to be confirmed, if I am not mistaken, by the court of Rome.

The revival of such extensive jurisdictions, was undoubtedly the immediate consideration for which the archbishop concurred in the murder, and in Bothwell's divorce and marriage with the queen. Knox, however, in whose history the signature to the archbishop is mentioned, the general assembly that framed a supplication against it, Calderwood who transcribes a letter from Knox to enforce the supplication, are all respectively accused of forgery, (Whitaker, iii. 510-21-8) and it is amusing enough to see a Cornish clergyman condemn the records of the church of Scotland, to which he has no access, and its histories as forgeries, when ignorant himself of its literary history. The first edition of Knox's history was printed at London in 1581; but before the printing was finished, the work was suppressed, as it contained affairs of state. The fifth book was neither written by Knox, nor by Banantine his amanuensis, as it is not contained in a single MS. of the age; but was compiled from his papers by David Buchanan, who published the history in 1644, in quarto at Edinburgh, and in folio at London, in which last edition, among other alterations, Knox's letter, though inserted in the quarto, was omitted as tedious or unimportant to the English reader. Mathew Crawford, in 1732, republished the four first books *verbatim* from the original MS. but reprinted the fifth preposterously, in the Scottish ortho-

graphy, from the English edition : and Whitaker, with the fact before his eyes, that Knox did not write the fifth book, though compiled from his papers, (Crawford's edit. preface, 51-3) accuses Calderwood of forging a letter in that reformer's name who knew nothing of it, because it was not contained in Crawford's edition; the only one that Whitaker had the patience to consult. From these fruitful mistakes, Knox becomes a mere protestant Jesuit, the brother forger of Buchanan, with the honours of forgery blushing strong upon his brow;" (Whitaker, iii. 518-20-1) because a signature still extant, and on record, is mentioned with its consequences, in an addition to his history by another hand. The church of Scotland itself, is accused of forgery, because its records contain a supplication against the signature; and Calderwood, because he quotes a letter from Knox, to recommend the supplication. Such gross mistakes, to say nothing worse of the author, in the literary history of the period he treats of, are hardly exceeded by those of some wretched antijacobin, or Scotch encyclopedist, who creates two John Knox's, one the reformer, the other the historian; and mistakes the printed, and imperfect abstract from Calderwood's manuscript history, for the voluminous history written by Calderwood himself.

But there is nothing so familiar, or so well established, even in public treaties, as to escape the imputation of forgery from this splenetic divine. The concessions to the Scots, in the treaty of Edinburgh, are rejected as a forgery, because the copy preserved in the Cotton library, is attested by Murray, Ruthven, and Maitland; "villains whose touch carries such contagion with it, that whatever paper has passed under the hands of those political harpies, is marked and polluted with their defiling claws." Whitaker, iii. 41-2. In the negotiations at Edinburgh for a peace with England, a direct treaty with the lords of the congregation

was deemed derogatory to Francis and Mary ; but Elizabeth could not desert her allies, nor could the French troops be withdrawn from Leith, where they were straitly besieged, or preserved without a treaty, in which the Scots were included. It was concerted therefore, that the articles or demands of the congregation should be granted, not as terms of peace, but as concessions of special indulgence, confirmed, however, in the treaty with England, and a new commission was necessary, to enable the French deputies to grant concessions, or in plain language, to treat with the Scots. The first commission to Monluc and Randen, at Chenonceau, May the 2d, 1560, was accordingly transcribed in a new commission to the same deputies, dated Remorentin, June the 2d, to transport themselves, in the same terms with their former commission, to the frontiers of Scotland, to treat with the English commissioners for peace ; with additional powers " to assure our subjects of Scotland, that notwithstanding their grievous crime of rebellion, if they return to their obedience, we shall receive them into favour, desirous of nothing more than to see them living under our obedience in repose, union, and tranquillity ; and generally to execute all that we could, if present in person, although circumstances should occur, which might require a more special mandate than this commission." Keith, 144, translated from Caligula, b. ix. fol. 126, Cotton Lib. The commission is dated the first and sixteenth, instead of the eighteenth, years of their reign, and this is a positive demonstration of forgery ; (Whitaker, iii. 42.) as if a mistake concerning the precise date of Mary's reign in Scotland, were not more likely to be made by the French secretary or clerk at Remorentin, than by the lords of the congregation¹. As the commission

¹ Such mistakes are not uncommon. A deed of James VI. is dated 19 September, the eleventh and twenty-eighth, (instead of the forty-seventh) years of his reign ; 1614. *Edinburgh Weekly Magazine*, vol. xxi. p. 391.

neither revokes nor refers to the former, which it was not meant to supersede or to alter; but professes necessarily to be the very commission from which it was transcribed; these are additional demonstrations of forgery; (id. 464) but the conclusive detection is this: As nothing more was intended by the first commission than a pardon for the rebellion or reformation in Scotland, the new commission, and the concessions or terms in the treaty of Edinburgh, are therefore forged; (id. 467) and as all is forgery that refutes this author's assertions, nothing but forgery presents itself to his mind.

It is needless to appeal to the history of the times, when the congregation, possessed of the whole power, and ready to expel the French from Scotland, never would have submitted without stipulations for their civil and religious demands. But the concessions made to the Scots in the treaty of Edinburgh, are authenticated by the most indisputable proofs. Monluc, bishop of Valence, after an ineffectual journey to Scotland, had returned to London, before Randan's arrival with the first commission, and from the temper and demands of the congregation, a new commission was obviously necessary to treat with the Scots. Forbes, i. 456-60-66-80-8-502. Cecil, one of the English commissioners, in his letter, June the 23d, transmits an abstract of the French answers to the articles or demands of the lords of the congregation, which are still extant in the Cotton library; and in his subsequent dispatches, the whole progress of the treaty is explained. Haynes 331. On the 5th of July he writes, "That the articles of our treaty are written out, but that the treaty between the French and Scots could not be concluded before six that evening, nor written before to-morrow, when that and ours would be signed and sealed." (id. 349). Next day, July the 6th, he writes that the treaties were

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both signed and delivered ; enumerates the articles in the treaty with the Scots ; explains the difficulty of obtaining from their majesties of France an obligation to Elizabeth, for their performance of conditions to their own subjects ; “ For so the world shall say that he (Francis) is forced by your majesty thereto, (as in truth he is, although it may not be said so to Frenchmen) next the Scots shall hereby owe all the favour which they receive from their king or queen to your majesty, as in truth they do, though it may not be said so to the French ; and to make a cover for all this, these ambassadors were content to take a few good words in a preface to the same article, and we content with the kernel, yielded to them the shell.” id. 352. In his letter of the 8th, he recapitulates the principal heads in the accord of Scotland, precisely as they are contained in the treaty in question ; and as the supposed forgery must have been of the same date with the real treaty contracted with England, no man in his senses can believe for a moment, that Cecil would connive at the one, while conducting the other ; and that for the sole purpose of deceiving Elizabeth, and her allies the Scots. Whitaker, iii. 493.

But the conditions of accord with Scotland, are confirmed by an article of the treaty with England, with a preface exactly as explained by Cecil, to prevent the apparent dishonour of the king and queen of France. “ Seeing the most christian king and queen have granted their assent to certain *supplicatory petitions* presented by the nobility and people of Scotland, and being desirous to have their said benignity attributed to the good offices of the said Elizabeth, &c. Therefore it is agreed before the said commissioners of both parties, that they shall fulfill *all those things* which by their said commissioners they have granted to the said nobility and people of Scotland at Edinburgh the 6th day of June this present year ; provided that the

said nobility and people shall fulfil and observe all those things that are contained in *the said articles and conventions* to be performed on their part." Keith, 135. The *supplicatory petitions* can relate to nothing else than the complaints and demands of the congregation, which, in every treaty with the sovereign, must assume the form of supplication: *all those things* which their commissioners had granted at Edinburgh on the 6th of July, or which are contained in the said articles and conventions, must relate to something more than a general pardon, as Whitaker supposes; (iii. 469.) on the one part, on condition of obedience on the other, concerning which the preamble was unnecessary as a salvo for their honour, in a treaty with Elizabeth; and the *said articles and conventions* are evidently *all those things* granted in the concessions, or treaty with the congregation; of the 6th of June, by the three first articles of which, on the complaints and petitions of the nobility and people, the French troops were actually withdrawn, the fortifications of Leith were demolished, and Dunbar was restored to the Scottish estates.

If additional proofs are necessary, the fourth article petitions for, and obtains a parliament to be held on the 10th of July, to be adjourned till August 10th, that the French deputies might procure an intermediate ratification from the king and queen; the fifth article provides that peace and war should be determined as formerly, by the advice of the estates; the sixth that the privy council should be appointed by the queen and the estates, out of twenty-four persons, whom the next parliament, in terms of the treaty, chose and transmitted their names to the queen (Keith, 752. Append. 91.); the seventh, that no foreigners should be admitted to office; the eighth, that an act of oblivion should be passed in the next parliament, to which, by the ninth article, all in use to be present were admitted; and

the remaining articles relate to mutual indemnity, submissive obedience, religion and peace. The parliament was actually adjourned till August, that the treaty might be ratified by the king and queen; but as no ratification arrived, a full week was spent in debating on its validity, which was sustained as ordained by the treaty of peace. As the French deputies declined to interfere, the parliament was permitted by the treaty to remonstrate on the state of religion to the king and queen; but the parliament proceeded to establish the reformed religion, and when its acts were transmitted to the queen to be ratified, (Keith, 193. Append. 91.) the objection was obvious, and unavoidable if true, that the treaty by which it was held, was a forgery. The act of oblivion passed in this parliament was renewed by Mary in 1563, at the intercession of the nobility, not as a part of the treaty which she was determined never to ratify; (Spottiswood, 188.) but the authors of a forged treaty would neither have applied to the queen to confirm its articles, nor would the objection have remained a secret till discovered by Whitaker, that the whole treaty was a forgery, unknown to the queen herself. *Les raisons pour laquelle La Royne M. ne ratifie le traité d'Edinburgh, 11 Aoust 1561.* Cotton Lib. Caligula, b. x. fol. 34.

As a preliminary to other supposititious forgeries, I have dwelt the longer, in this note, on the crude conjectures of a writer, who rejects all historical evidence whatsoever, in order to condemn the treaty of Edinburgh, as a forgery devised by Murray with Cecil's consent. A mistake contained in a few lines may require some pages of controversy before it is obviated; but I trust that the sentences which I have bestowed upon the subject, are not near so numerous as the pages of scurrilous declamation which they are employed to confute. Whitaker, iii. 40-3. 370-9. 463. 543.

No. III. Vol. I. Page. 27.

Cecil's, or Murray's Diary, as it is generally called.

Cal. B. ix. Fol. 247.

SCOTIA.

1566. *Junii* 19. King James the sixt was borne.

Julii 20. or thairby, she fled the Kings company and past be boytt with the pyrattis to Alloway, whair the king cuming, wes repulsit.

August 13. The Q. past to Meggitland to the Huntis: frome the byrth of the prince to this tyme the king wes putt to abyid in Dalkeyth, and after the returninge frome the Hunts of Meggitland was sent to Striuling. About this tym my L. of Murray aggreit the king and hir and thay past to bed togydder.

Septemb. 24. She ludgit in the Chekker hous and mett with Bothwell. The king cumyng frome Striuling wes repulsit with chydying.

Octob. 7. My Lord Bothwell wes hurt in Lyddysdail and the Q. raid to Borthuik

8. The Q. wes advertest and haistytt to Jedbrough and frome thence to the Hermitage and contractit her seeknes. Returning to Jedbrough whair she remaynit to the fyrst day of November that Bothwell wes convalessit. Heir the king wysit hir and wes repulsit.

1 *Novemb.* 5. The Q. and Bothwell cam to Kelso and abed 2 nychts.

7. Thai cam to Langtoun.

9. Thai cam to Wedderbourn.

10. Thai cam to Coldinghayme quhair the lady Reres and those in hir companye wer takin be the watch.

Novemb. 12. Thai cam to Dumbar and remaynit three nychts.

16. Thai cam to Tamtalloun to the Lard of Bass.

17. Thai boyth returnit to Craigmiller and began to raison upon the dyvorce betuix hir and hir husband the King, and thair abood to the 3 of December. In this tyme the Kyng cam furth of Striuling and offred him self to hir and was repulsit.

Decemb. 3. Thay came to Edynbrough; and hir speciall cayr wes upon the Erle Bothwell's preparations of cleything for the baptisme: about this tyme came my lord of Bedford in to Edynbrough.

5. Thay past to Striuling, tuick the King frome his ludging in Williame Bellis hous to the castell, and placed him worray obscurly thair.

17 *Decembris*. The prince now our Souverayne wes baptised, and thai remaynet after to the 24 thair.

24. Thai departed to Drynmen to my lord Drumonds (my l. Bedford being departed the day before to Sanct Andrewes) and remaynit thair 5 days and after in Tulybardin 2 days; and the King wes now departed to Glasgow wher he fell deadly seck.

31. Thay returnit to-gyther to Striuling and thair remayned to the 14 of January.

Januarii 6. The Secretarye wes maryit in Striuling.

14. Thai returnit and brought the prince with thayme to Edynbrough. Remayned to the 21 of Januar and thane wes the Q. going to Glasgow.

21. The Q. tuck her journey towards Glasgow and wes accompanyt with Erles of Huntly and Bothwell to the Kalendar my lord Lewisteins place.

23. The Q. came to Glasgow and on the rode met hir Thomas Craufurd frome the Erle of Lewenux and Sir James Hamilton with the rest mentionit in hir letter: Erle Huntly

and Bothwell returnit that same nycht to Edynt and Bothwell lay in the Toun.

Januarii 24. the Q. remaynit at Glasgow, lyck as she did the 25 and 26, and hayd the conference with the King whair of she wryttis, and in this tyme wrayt hir byble and utheris letteris to Bothwell. And Bothwell this 24 day wes found werray tymus weseing the Kings ludging that wes in preparing for him and the same nycht tuck Journey towards Lyddisdaill.

27. The Q. (conforme to hir commission as she wryttis) brout the King frome Glasgow to the Kalendar towards Edynbrough.

28. The Q. brought the King to Lynlythquow, and thair remayned all morn, quhile she gatt word of mylord Bothuell his returning towards Edynbrough be Hob Ormistoun ane of the murtheraris. The same day therle Bothuell came bak from Liddisdaill toward Edynbrough.

29. She remayned all day in Lynlythquow with the king, and wraytt frome thence to Bothuell.

30. The Q. brought the King to Edynbrough, and patt him in his ludging quhair he endit, and Bothuell, keipping tryist, met hir upon the way.

Februarii 5. Thursday. She ludged all nycht under the King in the chalmer quhairin the poulder was layd thereafter, and whair of Paris hir chalmer child resaved the keye.

7. Fryday. She ludged and lay all nycht againe in the foresaid chalmer; and frome thence wraytt, that same nycht, the letter concerning the purpose of the abbott of Halyrudhouse.

8. Satyrday. She confronted the king and my lord of Halyrudhouse conforme to hir letter wryttin the nycht before.

9. Sondag. She and Bothuell soupped at the bankett with the bishop of the yills and after past oup accompanyit

with Argyll Huntly and Bothuell to the kings chalmer; and thair she remaynit cherissing him quhile Bothuell and his complices hayd putt all things to ordor, and Paris hir chalmer-child hayd resaved in hir chalmer the pulder, and came up againe and gef the signe, and they departed to Bastienis banquet and masque about 11 hours, and thair-after thair baith returnit to the Abbay and talkytt quhile 12 hours and after.

Februarii 10. Betuix 2 and 3 of the klok the King wes blawin in the ayre by the poulder.

11. The Q. wrayt to my lord of Lewenux promising to tak tryall.

12. The Kings body wes brought down and layd in the chapell and She remaynit at Edynbrough with Bothuell to the 25 heirof: in this meyn tyme wer money placards sett oup. And Hary Killygrawe arrywit frome the Q. Mate.

21. Thay past togydder to Seytoun and thair past tyme meryly to the 10 of Marche, quhile le Crok the Franche ambassadour persuadit hir to return to Edynbrough.

Marche 10. Thay returnit to Edynbrough be persuasion of Le Crok, quhair thair remaynit whill the 24 of the same, earnestly trying the oupssetting of the placards, but newer word of the kings murther: at this tyme my lord Regent purchaist leif to depart.

24. Thay returnit againe to Setoun, and thair past thair tyme meryly in all solace, quhill the 10 of Apryll 1567.

1567. *Apryll* 5. The second contract of mariage, *per verba de presenti*, wes maid and wryttin be my lord of Huntly, who, for his restoring againe the forfaltour, haid purchasid ane procuratorye subscriwit with his sisters hand then wyif to Bothuell: and thair wes the counsale haldin for the clensing of Bothuell.

9. My lord Regent departit furth of Scotland.

10. Thay returnit to Edynbrough to Bothuell's clensing,

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Apryll 12. Qubhilk wes setterday Bothuell wes clangit werray straingely as the process beysr.

14. Qubhilk wes mounday, the first day of the parliament sett only for reduction of my lord Huntleys forfaltour.

18. Qubhilk was fryday, the day of the summons of reduction of the erle of Huntleys forfaltour.

19. Qubhilk wes setterday, the Decreytt of Reduction wes gewin for therle of Huntlye and all his friends. The same nycht the lordis past the band after supper to therle Bothwell, being drawin secretly be him to the supper.

21. Viz. mounday, the Q. rayd to Striuling as it wes dewysed, and frome thence wreyt the letteris concerning the purpose dewysed of hir rawising: whair Huntly came to hir and began to repent him; in the mean tyme Bothuell remayned at Edynbrough assembling his forces.

23. She cam to Lynlythquow and Bothuell came to Haltoun hard by.

24. She sent therle of Huntly to Bothuell in the morning, quha mett hir upon the way, seamit to rawishe her, and tuck Huntly and the secretary prisoners, and led thaim all to Dumbar, and thair remanit to the 3 of may.

26. The first precept for the partising of therle Bothuell and his wyif, wes direct furth frome the commissayr of Edynbrough.

27. The second precept of partising before Mr. Jhone Manderstoun commissair to the bishop of Sanctandrois, wes direct furth.

Maii 3 She wes conweytt be Bothwell and all his friends with sperris to Edynbrough castell, and for fear of accusation kast thair speres frome thayme be the way, and the next Sunday hir bannis wer proclamit be her awin precept subscriuit with her hand.

Maii 12. She came with Bothuell out of the castell to the tolbyth before the lordis of session, and tuck her protestation and act thair of hir liberty, and so past togydder to the Abbay.

15. Thay wer publicly mareit after bathe the sortis of the Kyrk reformed and unreformed, and remaynit to the 7 of Junii.

Junii 7. He purposed ane Rayd against the lord Howme and Farnherst, and so past to Melros and She to Borthuik.

11. The Lordis came suddenly to Borthuik. Bothuell fled to Dunbar, and the lords retheyred to Edynbrough; she fallowed Bothuell to Dumbar disagwised.

15. Thay came frome Dumbar to Carbarrye hyll, quhair the lordis mett thayme. The erle Bothuell fled and she came to Edynbrough with the lords.

16. She past to Loychlewin and thair remaynit to the secund of maii 1568.

20. Dalgleshe Chalmerchild to my lord Bothuell wes takin and the box and letters quhilk he brought out of the castell; about this tyme my lord Bothuell fled be sea to the northe.

Julii 24. The Q. maid resignation of hir crown in favour of hir sonne nou our souveraine, and past commissions of gouvernement. At this tyme Syr Nycholas Throgmorton was in Scotland.

29. The king wes crownit at Striviling. Middilmoir wes present.

August 14. My lord of Murray now Regent returnit furth of France and came to Edynbrough.

17. My Lord past to Loychlewin and spak with the Q.

22. My Lord nou Regent wes mowit to accept upon him the commission of Regentrye, and geff his solemnit ayth for dew ministration.

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Decemb. 5. The parliament wes haldin and all things confirmed thairin.

1568. *Maij 2.* The Q. escapit furth of Loychlewin, and came to Hamiltoun ; my lord being in Glascow.

13. The field wes strykin at Langsyid, besydis Glas-cow.

15. Maister Myddlemoyr sent frome the Q. Matie caused my lord frome thence furth absteyn frome armour and violence.

APPENDIX.

No. IV. Vol. I. Page. 41.

THE conclusions in the text are far more forcibly stated in the following letter from Thuanus to Camden.—“ Nam demus, quod ab diverta tradentibus jactatur, Moravium, ambitione ardentem, seditate regnum appetisse; (quod tamen constanter negant omnes fide digni Sceti, quocunque mihi alloqui contigit, etiam ii, quibus alioqui Moravicus ob religionis causam summe invisus erat; nam verum fuisse aiebant extra religionis causam ab omni ambitione, avaritia, et in quenquam injuria alienum, virtute, comitate, beneficentia, vitæque innocentia, præstantem; et qui nisi fuisset, eos, qui tantopere mortuum exagitant, hodie minime rerum potituros fuisse;) sed demus illum, calcata omni divini humanique juris religione, tantum animo scelus concepis- se, quo tandem consultore et adjutore ad rem exequendam usus est? Primum omnium constat nunquam ullas capitaliores inimicitias, quam inter Moravium et Bothuelium, exarsisse. At quis sibi persuaderet, inter tam infestos de tanto scelere, qualis in regem conjuratio fuit, consilia agitari potuisse; aut sperari, ut secretum, quod ad istam requirebatur, inter eos servaretur? Deinde, quis credat Moravium, tantas cum Botuelio inimicitias exercen- tem, post patratum scelus, sorori parricidæ in virum du- cendi, auctorem fuisse? Aut reginam tam supino ingenio fingi posse, ut fratri, infames juxta et periculosas nuptias suadenti, aures præbuerit? Denique, cur Moravicus post hæc omnia sponte in Galliam secessit, si ex his turbis commodum aliquod sperare præsentia sua potuit? Aut cur, postea revocatus, tanta fide, rege infante, regnum adminis- travit, et adversus Hamiltonios imbecillam ejus ætatem tutatus est, si per regis calamitatem regni occupandi spem

conceperat? Nam minus invidiosum et periculosum illi erat cum Hamiltoniis, si rem perfecissent, perduellibus, de imperio decertare; quam sororis filium, a matre regnique ordinibus tutelæ suæ commissum, opprimere. Postremo, quid aliud, quæso, in causa fuisse putas, cur Hamiltoni, qui tyramidem adfectabant, in Moravii necem conspicerint; quam quod superstiti tam strenuo regis infantis regnique vindice, de successu desperarent? Ex adverso, apud animum tuum reputa, familiarem plus, quam oportuit, reginæ, etiam ante parricidium, cum Botuelio consuetudinem; regis miseri apertum post Riziæ eadem odium; et ex eo contemptum; deinde post parricidium, amittente reginâ, festinatum de Botuelii, qui non solum facti suspectus, sed omnium opinione quasi convictus habebatur, innocentia iudicium; moxque dissolutas turpiter Botuelii cum Gordonâ uxore nuptias, ut alias mox turpiores contraheret. Nam raptum illum quis non rideat? Aut non potius ex iis, quæ memoravimus, necessario colligat, ingentis animi foeminam, nisi snapte ingenio et præoccupata diu ante voluntate ad id fuisset inducta, nunquam tam facile in illas nuptias fuisse consensuram; aut eas postea tam artificiosis literis apud nos excusaturam? verum hæc tecum, et semotis arbitris. Nam quenquam accusare, aut ullius defensionem suscipere, neque his brevibus literis neque toto opere nostro instituerim. Nam ab omni insecutione et obtreptione, ut mens, sic stitutus abest: et me plurima lenitate moluisse, quæ alii acerbius scripserant, ipsa lectione comperies. Rem, ut ex Scotorum, qui interfecerant, sermonibus didici, et a literis mandavi; et ad eorum fidem scripta a Buchananò expendi. De cætero nigrum in candidum in cuiusquam gratiam convertere, neque animus ab initio fuit, neque nunc esse debuit," &c. *Camdeni Epist.* 73. *Thueni Opera*, i. 40.

No. V. Vol. I. Page 46.

Double of the Council's Letter to the Queen Regent of France concerning King Harrys murther, sent by Lethington and subscribed by him.

MADAM,

Brit. Mus.
Ayscough's
Cat. 9199
from Mem.
Scot. in
Colleg.
Scot. Paris.

L'ESTRANGE fortune advenue en ceste ville la nuict passe, nous constrainct prendre la hardiesse de vous escrire ce petit mot pour donner a entendre a vostre, le malheureux faict qui a esté perpetré en la personne de Roy, d'une façon si estrange que l'on n'a jamais ouy parler d'une semblable entreprise. C'est qu'environ les deux heures aprez minuit, son logis, lui estant couché en son lit, a este enlevé en l'air par force, de poudre a cequi l'on en peult juger par le son et la terrible et subite execution, qui a été si vehement, que, d'une salle, deux chambres cabinet et garderobe, il n'est rien demeure que tout ne soit emporté loing de la et redigé en pouldre, non seulement la couverture et plancher, mais aussi les murailles jusque au fondement, de sorte qu'il n'est demeuré pierre sur pierre. Et en failly de bien peu, ceux qu'ils sont autheurs de ceste mechanceté, qu'ils n'ayent par meme moyen destruit la Royne, avec la plupart de sa nobless & seigneurs qui sont pour le present en sa suytte, qui y ont esté avec le Roy en sa chambre jusque bien pres de minuict. Et peu s'en est faillie que sa majestie ne soit demeurée pour y loger toute la nuict, mais Dieu nous a esté si favorable, que ces assassineurs ont esté frustréz d'une partie de leur attente, ayent reservé sa majestie pour en prendre la vengeance telle que merite un act si barbare et inhumain. Nous sommes apres les enquestes, et ne faisons doubte q'un bref nous venons bien au bout de sca-

voir ceux qui l'ons perpetré. Car Dieu ne permectra jamais qu'une telle meschanceté demeure cachée ou impunié, l'ayent une fois decouverte, vostre majestie et tout le monde cognoistra que le pays d'Escosse ne voudra longuement endurer qu'une si grande honte luy demeure sur les espauls qui seroit bastante pour la rendre odieuse par toute la Christiannete si semblables malheuretéz demeurassent cachées ou impunyes. Nous n'avons vouler faillir de faire ceste advertissement aux majestéz du Roy et la vostre, par ce gentilhomme present porteur, le Seigneur de Clareault, qui vous en rendra compte par le menu de toutes les circonstances comme celui qui est bien informé. Pour cest effect; estant sa sufficance telle que sur luy nous remeterons la surplus pour n'importuner de plus long lettre vostre majestie, à laquelle nous baisons les mains et prions Dieu, Madam vous avoir en sa sainte garde. De Lislebourg ce 10 De Feurier 1566.

Archieps.	Sanct Andrew	Ergyle	Huntlie
	Athol	Cassilis	Bothwell
	Caithness	Sutherland	Alex. Epis. de Gallovidii
Jo. Epis.	Rossensis	Rob. Thesaurar	Levynston
	Fleming	Bellenden	Sec. Maitland

No. VI. Vol. I. Page 56.

BOTHWELL, Sir James Balfour, and his brother Gilbert, Mr. David Chalmers, Black Mr. John Spence, Signior Francis, Bastian, Bourdeaux, and Joseph, (Rizio's brother) were the persons named by Lennox as accused in the placards. From the discrepancy between this letter as inserted in Bothwell's trial, and the copy produced by Lennox at Westminster, Whitaker concludes (iii. 235.) that the former was forged by Buchanan; as if Murray would voluntarily produce, on the 7th of December, a fictitious letter, instead of the genuine one, which the commissioners had already, (November 29th,) received from Lennox, and by an unnecessary forgery, would expose himself to immediate detection. Anderson, iv. 120.—74. But Mary's next letter, March 23d, is an answer to the letter inserted in Bothwell's trial, not to the copy produced by Lennox at Westminster. The last, when inspected, is evidently a rough draught of the letters, in which many words are erased, dated xvi of March, 1566, without any place, and the date itself has been added afterwards, in a different hand, apparently Cotton's. Caligula, b. x. f. 396. But the first is dated "Of Houston this xvi of March," and Mary's answer begins, "We have ressavit your letter of Houston the xvi of this instant." The copy produced by Lennox, required the queen to arrest the persons named in the placards, to assemble the nobility, and by proclamation, *admonish the writers to appear*; when, if they fail to do so, the persons accused of the murder might be *released*, by advice of the nobility and council. The letter inserted in Bothwell's trial required her to arrest the persons named in the tickets, and with all diligence to assemble her hail nobility and council, and then to *take such perfect order, with the forenamed*

persons that they might be justly tried. The queen's answer accordingly is, "For the convention of the nobility and council, we have preventit the thing desyrit by you in your letter, and hes sent for thame to be at us in Edinburgh this· oulk approcheand quhair the persons nominate in your letter sall abyde & underlye sic tryal as be the laws of this realm is accustomit:" Anderson, i. 47—8. ii. 111. an obvious answer to the second requisition to assemble the hail nobility and council that the forenamed persons might be duly tried, not to the first requisition to assemble the nobility and summon the writers of the tickets by open proclamation, that if they fail to appear, the persons named in the tickets might be released. Lennox kept copies of his letters to Mary; but his last letter naming those mentioned in the tickets whom he greatly suspected, requiring greater deliberation, was written anew: his acknowledgment for the wardship of Lennox, was omitted: the whole requisition was materially altered; and he retained the first draught, which he produced at Westminster, while the letter actually sent, to which alone the queen's answer refers, was produced in the justiciary court, and inserted in the trial. Had Whitaker consulted the MS. in the Cotton Library, or considered to which of the two copies Mary's letter is an answer, he would have found an easy solution of the forgery ascribed to that wretch Buchanan.

No. VII. Vol. I. Page 59.

Upon the xviii day of April MDLXVII. the day before the reduction of the Earl of Huntlies forfeiture in parliament, the said Earl, by an obligation registered that same day in the Register of Bonds in the Court of Session ;

Goodall's
MSS. Copy. Obliges himself to James Earl of Murray, for the great favour which Murray bore towards him, and for his ardent requests made to the queen's majesty in Huntlie's favours concerning the reduction of the domes of forfeiture led against him and his father, to keep the tacks set by Murray of the castle lands of Inverness, with the forrestership of the wood for xix years ; and also ratifies to the said Earl the earldom of Murray and lordship of Abernethy, and undertakes to cause his mother renounce all tacks, title, right and possession which she might claim thereto ; and also renounces ail right, title, property, and possession which he had or might have to the lands and lordship of Pettybrackly and Strathdon, in favours of the said Earl of Murray : and obliges himself in his own name, and for his mother, brethren, and sisters, to warrant and keep skaithless the said Earl of Murray and Mr. John Wood, John Stuart and his other servants for whatever goods, jewels, or other things belonging to his father, were intromitted with by them. And because the Earl of Murray was under obligation to James Ogilvie of Findlater, that if it should happen the lands of Findlater, Deskfurd, &c. disposed be the queen heretably to the said James Ogilvie by forfeiture of the said John Gordon, Huntlie's brother, to be evicted in any time coming by reduction of the said

forfeiture ; in which case the Earl of Murray had bound himself to infest the said James Ogilvie and his heirs heritably of new again in the lands of Strathnavern and Cardel, milns fishings and castles, &c. The Earl of Huntlie obliges himself and his heirs to relieve the earl of Murray and his heirs at the hands of the said James Ogilvie, &c. that in ease the said lands of Findlater and Deskfurd, and others shall be taken from the said James or any part of them, and thereby James Ogilvie recovers the lands of Strathnavern and Caddell the Earl of Huntley obliges himself to give the Earl of Murray as much lands equally lying in a place no less convenient, and of als great yearly avail and profit ; and likeways to answer to the abbot and convent of Aberbrothock for the teinds and others things pertaining to the said abbay intromitted with by him or his agents, &c.

In recompence for all which things :

By bond dated at Whittingham 8 April 1567, James Earl of Murray obliges himself to the Earl of Huntly that whereas he is to be restored to all things belonging to his progenitors, and also with respect to the tenderness of blood and amity standing betwixt the said Earl of Huntlie and us [Earl of Murray] and also in respect of an decreet arbitral by the queen and other arbiters between him and his brethren on the one part and James Ogilvie of Findlater on the other part of date at Edinburgh the 22d of March last, has bound himself in his own name &c. for his brethren to do and cause to be done to James Ogilvie of Findlater and his heirs the renunciation and ratification of diverse articles in the said decreet for the perpetual assurance of the said James Ogilvie in his living and lands of Findlater, Deskfurd, Drumnokeith, Blairshinnach, Castlefield, Castleyards, with the office of Constabulary of Culan, Constable lands, Pittinbringans, the fishing upon Itham ; the lands of Seyfield, Bruntoun, Upstart, Smyth

town, Woodfield, Touchaneill ; the lands of Clouchmatric, with the mills advocation of kirks, &c. Whereby, says Murray, the said Earl has gratified us greatly, and made us sure of the lands of Strathnarne and Cullard, and others lands ; therefore he, Murray, obliges himself to set forward the reduction of the forfeiture to the uttermost of his power by himself and others whom he might procure, and to resign the Sheriffship and Castle of Inverness with diverse lands allowed for keeping that Castle and other things, but all of them natural consequences of the reduction of the forfeiture. Goodall.

The reader, in order to understand these deeds, must observe, that James Ogilvie of Findlater had been disinherited by his father, whose second wife (of the Huntley family) had persuaded him to entail his estates of Finlater, Deskford, &c. upon his son in law John Gordon, Huntley's brother, and on his failure, upon Adam Gordon his younger brother. On the execution and forfeiture of John Gordon in 1562, the estate was restored by Murray to James Ogilvie in exchange for the lands of Strathnairn and Cardell. Upon Huntley's return to favour, his brother Adam claimed the estate of Finlater, &c. which, to gratify both parties, was awarded to Ogilvie, and the lands of Auchendown and Kethmore, to Adam Gordon, by the arbitration of Bothwell and Lethington, the queen being umpire, on the 22d of March, the day after Bothwell obtained the Castle of Edinburgh. Crawford's Notes on Buchanan, 160. Douglas Peerage, 262. Huntley therefore exacts a bond from Murray, the day before his departure, to promote, or in other words, not to oppose his restitution, and the day before the act is passed, he engages to warrant Murray's transactions respecting the forfeited estates. Huntley's ratification of the decret arbitral, is stated, in

Murray's bond, as the consideration for which the latter engaged to promote the restitution, as it made him sure of Strathnairn and Cullard, of which he could be dispossessed only on the restitution of the Gordons. But in Huntley's subsequent bond, Murray's application to the queen for his restitution, is artfully stated as the consideration for ratifying his former transactions.

No. VIII. Vol. I. Page 84.

*Act of Council.**Apud Dunbar penultimo Aprilis Anno 1567,*

Records of
Privy
Council:
Register-
house,
Edinburgh.

THE quhilk day the queens majesty being in Seyton, hir henes wes movit to set furth her lettres and proclamation Inhibiting hir lieges to answer or obey Sir William Murray of Tullibardin hir comptroller of the victuals money and others duties, of the thirds of benefices: Notwithstanding any werning made thereoff, under pain of dowbill payment; as the lettres direct thairupon of the date at Seyton the fyft day of Apryl instant propones. Nevertheless her hichnes presentlie understands that the said inhibition hes greatly hindret of the inbringing of the saids victuals and thirds; and that the seassoun of the year and time of payment is now present, quhilk being past ower, it will be difficult to get payment of the saymen thairafter, understanding weil the nature of the comons to be mair facillie inhibit to retain thair dewties, nor for manie chairges to pay the samen. Therefore presently by the tenour heroff, relaxes the said inhibition simplie, and ordanes lettres be direct to make publication heroff: and to charge all and sundrie persons as are dew and addebt in payment of the saids thirds and victuals, to pay the samen to the comptrollaris collectors, to the effect that the samen may be ready brot in by thame to the furnishing of our saidis Souverains house, efter the form and tenour of the saids lettres direct to that effect by the lordis of Counsal and Session, at the saids comptrollars instance of before, and under the pains contenet in the samen, quhilk her

hienes wills to have further execution in all points : Notwithstanding the said inhibition presently relaxit and dischargit be her majestie as said is. Council Req.

It appears that Mary was sufficiently attentive to the support of her household, notwithstanding the rape ; but it is ridiculous to talk of restraint or compulsion, when a privy council was held in her presence at Dunbar.

No. IX. Vol. I. Page 89.

MELVIL's error concerning the bond, may be easily explained. None but peers were present at Ainstey's supper, as the entertainment was termed, and the bond was neither signed by the abbots, by the officers of state, nor by the burgesses, that sat in parliament. When the bond was again produced upon the eve of the marriage, Melvil was required, but refused to sign it; (Mem. Pref.) and afterwards when he wrote his Memoirs, he would naturally imagine, that the signatures of the nobility were not obtained till then. Guthrie suspects that Melvill's Memoirs were interpolated or altered by the editor; a conjecture which, after every enquiry, I can discover no MS. to confirm or to confute. They were first published in 1683, by George Scott of Pitlochrie, Sir John Scott of Scotstarvets younger son, by Melvil's grand-daughter; and though he has certainly altered and modernised the language, no interpolations can be traced to other writers, as in Crawford's Memoirs. From the period at which they were published, 1683, any alterations must have consisted in the omission of unfavourable, or the insertion of favourable circumstances for Mary, to whom the author, or editor, is partial throughout. In this view, "seeing that he had ravished her, and lain with her against her will," exhibits, in the last clause, the editor's comment on the Scottish rape or *abduction* of her person, which Spottiswood treats as a mere pretext, 202.

That Melvil was a traitor because his father was executed in 1548, for his correspondence with his son in England; because he was recommended in 1559, by Throckmorton to Cecil; or because he says in his Memoirs, that Rokesby, a spy, was introduced in 1566 to the queen; whereas

Rokesby says, that his introductory letter was delivered to Melvil, who was persuaded that he was one of her English partizans ; is a conclusion worthy of Goodall himself. Melvil's account is confirmed by Randolph, that Rokesby's practices were so managed by Andrew Kerr, and the bishop of Ross, whose name Whitaker (ii. 481) tenderly omits, that they cannot be discovered. Keith, Appendix, 169. Rokesby was not then engaged as a spy by Cecil ; (Haynes, 445) and it appears that Lesly was his patron at court. But Rokesby testifies even then to Bothwell's influence, "whom I might well perceive to be in more secret favour with her than any other." Id. 447. This was in the interval between the murder of Rizio, and the birth of James.

No. X. Vol. I. Page 98.

Letter of James Beton the Archbishop of Glasgow's brother, to his brother, Mr. Andrew, to be given to the Archbishop, containing the proceedings in Scotland from the 11th till the 17th of June, 1567.

BROTHER,

Brit. Mus.
Ayscough's
Cat. 3199.
from Mem.
Scot.

My Lord
Archbishop
of St. An-
drew's, my
lord of
Huntlie,
my lord
Boyd, my
lord of
Galloway
and Ross.

I WRET to you the 11th of this present in sic haist as I think ye was little the wyser of my letter. Now haivand the commodetic and mair laiser to wret, ye sall understand quhow the said day my Lords of Mortoun, Mar, Hume, Lindsay, the Lairds of Tillebairne, Lowchlaven, Baward, Grange, with sundrie oderis barronis to the nommer of nine hundereth or a thousand horsmen, arryvit in the morning about Borthwick, in deliberation to comprehend and tack my lord Duk, quha was in the said place with the queen's majestie. My lord Duk heiring of this enterpryse, thinking weill he suld be in mair sewrtie on the fields than in ane hous, passit forth and red away; quhairfor the said Lords being advertysit retirrit back to Dakaith, and thairfra that samyn neicht to Edinburgh quhair thay war resaivit notwithstanding any command send be the Queen's majestie in the contrair to the town or castell. The town was warrit of thair arryving and had been all that day, fra the proclamation maid in the morning in the Queen's name by the advyse of the Lords, as was at that present in the town, that all manner of men suld be in his best apparaill of armis, and in reddiness to pass to, and relieve the Queen's majestie quha was saigit in Borthwick by the foresaid Lords. The Lords that was in the town com to the gait for the defence of the town; quha efter lang reasoning with the prowest,

hawand promise of him that he suld keep and defend the town, and that thay suld have na enteress, ~~retir~~irit thaimselfis to the castell. The oder partie being arryvet at the portis, thay of the town oppenit noucht the saids portis to thaim, bot thay sufferit patientlie that thay war broken up. The hail assemblie being arryvit in the town, thay causit mak ane proclamation at the market croce, the quhilks sensyne thay have callit ane act : quhairoff ye sall receive the copie enclosit heir within. Sa sone as the Queen's majestie was advertysit that thay war arryvit in Edinburgh, she despechit the young laird of Rires to the Captain of the castell, desyrand him to mak the foresaids lords commandement to retire thame furth of the town, and cause thame to depart be violence. He obeyit her in the first point ; for I understand he sent ane to thame and schaw quhat was the Queen's maiesties will and mynd : bot to this hour he has nocht schot, nither at ane nor oder. Monsieur de Croc writ both to the Queen's maiestie and to the Lords that day at morning, desyrand the lords to suffer him to cum and speik thaim. He schew to the Quein's maiestie quhow he had written to the lordis, and requyrit that it wald pleiss hir majestie to advertis him quhat sche wald command him, to do in the caiss. Hir maiestie desyrit him, be hir ansowr, to speike thame and know of theim quhat was thair intension, and quhat thay wald be at. I red that saming morning to Borthwick to the Quein's maiestie, quhair I fand hir maiestie sa quyet that thair was noucht with hir passing six or seven persons, and thairfra returnit to speik the captain of the castell. Hir maiestie in mennis claiths, butit, and spurit, departit that saming neicht of Borthwick to Dunbar, quhair of na man knew saif my lord Duk and sum of his servants, quha met her maiestie a myll of Borthwick and convoyit hir Hieness to Dunbar. Upon the morn the

The font of
gold that
was send
of England
at the bap-
tising of
my Lord
Prince.

lordis passit to the Tolbuith and maid the foresaid act quhairoff ye have the copie, and thairefter cam to the Cwnzie houss, and twk wyth tham all cwny irnys and chargit Ihone Achesone to delyver tham the font, the quhilk as thay wer sewrlie advertysit he had resawit, to be stroken and cwnzit. He delyverit it noucht at that present, bot thay got it afor twa days thairefter. At thair returning fra the cwnzy houss thay cam to Monsieur de Crocs logings, and spak with him as thay promiseit to ane gentleman he send to thaim that day in the morning. Efter lang communication between thaim and him, thay retirith thamsels to thair logings, and efter thair dinner retornit to the counsall, and as men may juge be it that followit sensyn, resolvit thaim to persew my lord Duk in quahatsomever part he was passit in. Thay causit that day to stryke the tabouring through the town, quhair thay promiseit five pounds in the moneth to all that wald serve thame. I tarryit all that day in Edinburgh, as quha was uncertain quhair to find the Quein's maiestie. I was sewrlie advertysit her maiestie departit the neicht afor of Borthwick, bot I knew noucht quhair sche was passit to. Being advertysit that neicht at evin that her majestie was arryvit in Dunbar, Captain Anstrodair and I departit of this town upon the 13 day tymlic at morning, and passit to Dunbar, quhair we fand hir maiesty and my lord Duk makand thaim for the feildis, wretand to all that wald do for thaim in their partis, to be in reddiness within 24 hours to pass with thaim to Edinburgh. I was send back to this town that saming neicht, to the Captain of the Castill, and was commandit to remain still in the castill with him and to persuade him, sa far as it lay in my power, to keep the castill to hir beheive, and to do his dewtie quhan tyme servit. Being arryvit in this town at ten hours at evin, I passit to Monsieur de Crocs logings, as being send to him, quhair I remainit the space of half an hour, and thair-

fra maid me to the castill. As I was in the way, being passit throch the watchis quha was on the castill-hill, within 20 paise to the Castil zet, the Laird of Tillebairne and Raisyth quha was that neicht on the watche, hawand understud of my passand by thaim, cam with all possible diligence fra the watch quhilk, as said is, was on the castill hill, and brocht me back again. The Lordis being advertisit thair of, commandit the said Laird of Tillebairne to keep me till the morne; and swa he lodgit me for that neicht. Upon the morne, at twa hours of the morning, thair trumpet blew and thay for the maist pairt maid thame till thair horses: my lord Hume and his companie to the nommer of four or five hundereth horse, towarts Hadingtown to discover the feildis, and se gif my lord Duk was in thais partis or noucht. The Laird of Tillebairne with ane hundereth horse or ma, towarts Laithchew to meet my lord of Atholl and the maister of Graim (quha as was bruitit, could noucht haive passage throch the said town for my lord of Aberbrothok quha was in it to the nommer of four hundereth hors in deliberation to come and support the quein's maiestie.) The laird of Tillebairne departand of the town, commandit sum of his servands to tak tent to me and keep me till his returning to the town; quha being sum pairt negligent, passit furth of his chalmer to do some oder business, believing that I sould noucht remove till thair retorning again. I seeing myself at sik libertie, betwix 5 and 6 hours passit furth of the said cha'mer to the Castill, quhair, being arryvit, I doit my commission as was commandit me by the Queinis majestie at hir (my) departing fra har. I fand the Captain very cauld in his answering to her majesties commandements. That day my Lord of Athol, the maister of Graim, my lord Secretair, my lord of Revain at ten hours afoir noon arryvit

in this town to the nommer of twa hundereth hors or better. My Lord of Hume retornit again at twa hours efternone. That saming day my lord Secretair cam to the castell, at twa hours efter none, and spak with the captain the space of three hours. The Lords that wer in the town being that neicht at 12 hours evin (informit) that the Queinis maiestie and my lord Duk was departit of Edinburgh (Dunbar) at ten houris afoir none, and that thay war alreadie com this neicht to Haddingtoun, and was in mynd to com the hie way til Edinburgh to find thaim, thay causit blaw their trompets, and tuk all their armis, and departit all furth of the town betwix twa and thre after midneicht. Thay departit all furth of the on thair feitt, beleiving the Queinis maiestie and her companie was betwix thaim and Musselbrugh. Bot being mair nor ane myle of the town, and being advertysit that the Queinis maiestie was nocht so neir, thay send for thair hors, the quhillks being broucht thame, thay lop on horsbak and marched forward towarts Musselbrugh. Thair departit of the town with thaim on fut mair nor twa hundereth craftsmen of the said town weill armit; sax or seven scoir of futmen that thay had lustit the day afoir, and Captain Clark with sa many as he had lustit on his awin expense, in deliberation to pass thairefter in Danmark to the nommer of fourscoir of men or thairby. Upon this syd thay wer jugit to be 18 hundereth horsemen or better and four hundereth futmen or ma, all the hail companie put in gud order, thay marchit towarts Musselbrugh, quhair thay wer advertysit be thair foirryddars that the Queinis maiestie and her companie was within ane myle to thaim. Thair was wyth the Queinis majestie the Lairds Blacatair, Woderborne, Langton, Ormistoun's of Teviotdale, and Loudon, Hatoun, Grinhaid, Cader, with sundrie oder barrons

of the Mers and Lauden and the haill commons that wald ryse for her in thais partis. Sche had wyth her twa hundred haybuttairs, onder Captain Alexander Stewart and Captain Hew Lauders charge. Her haill companie on hors and fut was noucht nommerit to twa thousand men, of the quhilks the best pairt was commons; quhairupon the oder part thay wer all gentlemen and weill in thair gair. Being com in seicht of oderes, the queinis maiestie hir companie be-Eist Musselbrugh and the oder part be-West it, the Queins majestie, my lord Duk, and thair companie marchit wyth all diligence to an auld forthe above Musselbrugh neir by the Falsyd, the quhilk thay occupet, and thair plaissit 7 or 8 peices of artillerie, the quhilk thay had broucht wyth thaim of Dunbar. The quhilk being persawit be the lordis of the adverse partie, thay drew thairselfis westward betwix the Queinis maiestie and Dakaith and thairfra keipand the heichest places and the straintheast, cam wythin halfe of ane myle to thaim: quhair the Lordis send furth sum prikkars wylling to draw on the scharmwiche. Bot the Queins majesty and my Lord Duk continit thair men and sufferit nane of thaim to leave thair plaice. My Lord Duk schot sum of his artillerie at thair prikkars, bot he hurt na man. Monsieur du Croc cam of the town betwix 7 and 8 hours, and red betwix the twa armes, doing that was in his power to bring thaim to sum gud way and appointment. Quhair hawand travellit the space of twa hours, he fand him na nearer his purpose nor he was in the beginning. The Lordis refusand all oder appointment less nor my lord Duk wald submit himself to thole an syse of the Kings slauchter, and that the Queinis majesty wald be contentit thairwith, and render herself to thaim. The quhilk was plainlie refusit, both by the queinis maiestie and my Lord Duk. Swa Monsieur du Croc returnit bak to the town, betwix three and four hours, beleivand sewrlie that nathing mocht stay other of the parties to experiment and

seye thair fortune. Notwithstanding both the parties upon dyverss respects temporisit. The Queinis maiestie byding upon my Lord Aberbrothick, quhom hir Hieness understude to be on the way betwix that and Leichcou, and upon my lord Heress, the lords of Lowchinvar and the Laird of Balclewist, quha had, as I understand, promisit to meit her Hieness that day. The oder partie temporisit because the day was veray hait, and had the son in thair eie. In the meantyme thair was communers and talkers send fra both the parties; the Laird of Grange fra the Lordis and the Laird of Ormiston of Laudein wyth the Laird of Trabrowne fra the Queinis majestie and my Lord Duk. Efter lang communing my Lord Duk offerit him conform to the promiss maid the day of his syss, to faicht in singular battaill wyth any Lord or undefamit gentleman, to the effect that the great appeirance of blud schaidding betwix the twa armes meicht be stayit be that moyen. The laird of Tillebairne acceptit the condition, and offerit to feicht in the quer-rail, quhairintill the queinis majestie nor my lord Duks freinds wald na wyss consent in respect that thair was na comparison betwix thaim twa. The quhilk being rapported to the Lordis, my Lord Lindsay offerit him to faicht. Swa it was anes believit that all the haill querrell sould be referrit to my lord Duk and my lord Lindsay. The queinis majestie was lang or sche could be persuadit to that, bot at the last albeit sche fand it noucht gud, sche consentit to it noucht wythout grat difficultie. Thair was 20 gentlemen in ether syd to see thair partes. The Laird of Grange being retornit to the Lords wyth that anser, the Laird of Trebrowne was send sone efter him to know quhair the plaiss sould be appointit, and in quhat appareill thay sould cum to the feild, quha, at his retorning, rapported to the Queinis Majestie and to my Lord Duk, that the lordis wald noucht suffar my Lord Lindsay to faicht, and to tak all the haill

bording upon him that was equallie thair and his; and
 swa that proposs stayit. Noucht the less I have heard
 sensyn that the Lordis meinit noucht to stap my Lord
 Lindsay, bot rather prayit him to be of gud hart and curage,
 and was verie glad that he acceptit the condition. This
 was betwix 7 and 8 hours at evin; fra quhat tyme the
 lords partie persaiyand the queines willing to dryve tyme,
 was sa animate and sa willing to cum to straicks that wyth
 greit difficultie they meicht be continit in thair order. On
 the oder partie the queines majestie's folks haid na will of
 straicks, bot rather was drawand thamselvs asyd and sum of
 thaim steilland away; quhairbie the queines majestie was
 constrenit to cum to sum better composition, despairit
 othir to retire himself and hir companie saiffie, or to mak
 hir part gud in battaill. Swa wyth all meines, sche per-
 suadit my lord Duk to loup on horsebak and ryd his way;
 the quhilk quhen hir majestie haid persuadit to him nocht
 wythout gryt difficultie, and he being rydden as thay sup-
 posit twa myles or mair, her majestie offerit to render hir-
 self to thame swa that thay wald promiss to do na harm to
 hir companie, bot licens thame to retire thairselfs without
 ony skaith. The quhilk being fund gud be the Lordis,
 thay causit mak ane proclamation incontinent defendant
 all that was of (thair) parte to persue or invaid any that
 was of the queenis parte. Quhilk being don the queins
 majestie cam to thaim betwix 8 and 9 hours; all her com-
 panie scatterit and red thair way. The lords brought her
 majestie to town quhair thay arryvit at 10 hours. Thay
 logit hir majestie in the Provests logging, fornent the croce,
 upon the north syd of the gait. Hir majestie was keepit
 thair till the morne at 9 hours at evin, at quhat tyme thay
 convoyit hir majestie thairfra to the Abbay. Quhair efter
 sche had stayit the space of an hour, thay put hir on hors-
 bak, and haid hir all that neicht to Louchlawin: quhair

as I am informit thay intend to keip hir till thay haif comprehendit my Lord Duk, or else put him furth of this countrie. Sche cam yesterday to ane windo of hir chalmer that lukkit on the hiegait, and cryit forth on the pepill quhow sche was halden in prison, and keepit be her awin subjects quha had betrayit hir. Sche cam to the said windo sundrie tymes in sa miserable a stait, her hairs hingand about her loggs, & hir breist, yea the maist pairt of all her bodie, fra the waist up, bair and discoverit, that na man could luk upon hir bot sche movit him to pitie and compassion. For my ain part I was satisfiet to heir of it, and meicht nouch suffer to see it. Thay convoyit her down the gait as said is, my lord of Athol on the ta syd of her, and my lord of Mortown on the oder, wyth three or four hundereth men. Thair merchit afoir hir the spaice of ane hundereth paisses four score hagbuttars. Thair is in the anseign that was borne against hir the day sche was tacken, and was borne yesterday amangs the saids hagbuttars, ane mekle dethman besydes ane grein trie, be the quhilk man thay signify the king; and on the oder syd of the said trie, ane young barne, quhairby thay signify my lord Prince, fra quhas mowth thayr is wryttin in gryt letters (Juge and revenge my cause O lord). Thay sufferit na man to speik till hir yesterday, or to cum quhair sche was, yea noucht hir awin maiddenis. Yet being yesternecht little afoir hir departure, havand to do in her cabinet, she callit upon ane of hir maiddenis, and commandit, or rather prayit her, to ether wryt or send some sewr messenger to the captain of the castell, and desyre him to keip a gud hart to hir, and quhairever sche was convoyit or past, that he renderit noucht the castell to the Lordis. Bot I think, and sa does sundrie oderis, that sche sall get na support fra him; for it appeirs weill that he hes intelligence wyth the saids Lordis, and thay wyth him, or else thay hed noucht cum to the town. Atour hir majestie prayit the

said maidden to speik to the Laird of Lidington of hir part, and pray him affectuslie to haive piety and compassion of hir, and noucht to schaw himself sa extreme in hir contrair as he doit. I haif hard lytill or nathing of thair proceedings this day, as quha hes noucht passit furth of my chalmer, yet it is rapporit to me that thay haive comprehendit Bastien Pages the French man that cam laitlie haim heir be sea, and haif put him in the Tolbewth as ane of thaim as will be fund partackers and giltie of the kings slaughter. Thay tewk Captain Culain that neicht thay enterit the town quha has bein ay sensyn in the Irns. Thus fair ye well. At Edinbrugh the 17th of Juen 1567. Be your assurit Brother. J. B.

My Lord of Sant androus my Lord of Huntlie wyth the rest of the Lordis that was in the catell partit furth of it the 15th day quhan the Lordis was all upon the felds, at 9 hours afoirnone; and passit towarts Leichcow quhair thay beleivit to find my Lord of Aberbrothok and all his companie.

No. XI. Vol. I. Page 100.

*Coppy of the Order by the Councill for Queen Mary
her Imprisonment in Lochleven.*

Apud Edinburgh Decimo sexto die mensis
Junij Anno Dⁿⁱ millesimo quingesimo Sex-
agesimo septimo.

Goodall's
MSS.

FORSAMEIKLE as efter ye schamfull and horrible
murther of umq the King, the Quens Majesties lait husband,
hir Majestie being revist with the erll Bothvile principall,
and chief authors of ye said murther, and yrefter joyint with
him in maist ungodlie and dishonorable maner under the
name of ain p^{re}dit marriage, continweing in that state
to the eminent danger of the innocent psson of our native
princes life, and owerthrow and destruction of the nobi-
litie and haill state of this common-well, quhill on just
necessitie it behuвет the nobilitie and utheris faithfull
subjects to take armes for punishment and revenge of the
said murther, aganis quhome come the said Erll Bothvile
leidand the queins Majestie in his company, and schawand
his murther and utheris wickit enormities fra punishment
with the clk of hir autoritie, and refusand singular com-
batt, fledand eschapit himself; and hir Majestie in the mein
tyme willinglie riding in the company of hir said nobilitie
and faithfull subjects fra Carbury hill to Edinburgh, quhair
efter thai had oppeint and declarit unto hir heines hir awn
estait and condition, and the miserable estait of this realm,
with the danger that hir deirest son the prince stude in, re-
quirand that she wald suffer and command the said mur-

ther and authors yrof to be punist, fand in her majestie sic untowardnes and repugnante thairto, that rather she appeirit to fortifie and mentein the said erll Bothvile and his complices in the saids wickeit crymes, nor to suffer justice pas forward, quhairthrow, gif hir heines suld be left in that state, to follow her awn inordinat passion, it wald not faill to succed to the finall confusion and exterminacione of the haill realme. Sua that efter mature consultation, be common advyse, it is thocht convenient, concludit and decernit, that hir majesties person be sequestrat fra all societie of the said Erll Bothvile, and fra all having of intelligence with him or ony utheris, quhairby he may have ony comfort to eschaip dew punishment for his demeritis. And finding na place mair meitt nor commodious for hir majestie to remain into, nor the house and place of Lochlevin, ordenis commandis and chargeis Patrick Lord Lindsay of the Byris, William Lord Ruthven, and William Duglas of Lochlevin, to pas and convoy hir majestie to the said place of Lochlevin, and the said Lord to ressav^e hir thairin, and thair they and everyane off thame to keep hir majestie surlie, within the said place, and on na wiss to suffer hir pass furth of the same, or to have intelligence fra ony manner of persons, or yit to send advertisments or directions for intelligence with ony levand persons, except in thair own presence and audience, or be the commandments and directions of the Lordis under subscriband, or ane part of them representing the Counsall at Edinburgh, or utherwyss quhair they sall resort for the tyme; as thai will answer to God and upoun thair dewtie to the common-weill of this country, kepend thir presents for thair warand. Attour the saids Lordis and utheris undersubscriband oblige thame and thair airis fathfully, and promitts to the said Patk Lord Lindsay, William Lord Ruthven, William Duglas of

Lochlevin and thair airis, to releve and keip thame skaithless of the ressayng keping and detenyng of the Quenis majesties person in manner forsaid, and to fortifie manteine and defend thame fra all levend creatures, that in the law, or by the law, wald presume to pursew or invade thame for the samyn.

Sic subscribetur

ATHOLL	MORTOUNE
GLENCAIRN	MAR
GRAHAME	SYMRYLE
SANQUHAIR	W. OCHILTREE

No. XII. Vol. I. Page 106.

THE only remaining objection to this conclusion is the answer of some of the lords to Throckmorton, in absence of the rest : " How horribly the king her husband was murdered ? What form of justice had been kept for punishing thereof, or rather how scornfully a disguised mask was set up instead of justice ; how shamefully the queen our sovereign was led captive, and by fear, force, and (as by many conjectures may well be suspected) other extraordinary and more unlawful means compelled to become bed fellow to another wife's husband, and to him who not three months before had in his bed most cruelly murdered her husband,—and found such hap in an unhappy enterprise that by the murder of the babe's father, he purchased a pretended marriage of the mother." Keith, 417. " Other extraordinary and more unlawful means," refer, says Stuart, to *amatorious potions* (i. 376,) says Whitaker, (iii. 117.) to *stupifying draughts*, which *Lovelace actually uses* in Richardson's *Clarissa*. But the fear, force, and the conjecture of other more unlawful means, refer to the marriage, not to the supposed rape, as they " compelled her to become bed-fellow to another wife's husband ;" a homely expression, by which the lords, unwilling to acknowledge that she was Bothwell's wife, intimate the pretended marriage to which she was compelled. And the other extraordinary and more unlawful means, refer neither to *amatorious potions* nor to *stupyifying draughts*, but, according to the opinions of the age, to witchcraft ; means more unlawful and extraordinary than force or fear, to which her extreme passion for Bothwell was ascribed by her enemies, as well as by her friends. In the first placard, her assent to the murder, is

imputed to "the persuasion of the erle Bothwell, and the *witchcraft* of the lady Buccleugh;" (Anderson, ii. 156.) and in the Declaratioun of the Lordis Quarrell, a poem printed at Edinburgh 1567.

Gif that a freind *with fay's* away war led,
 Be wickit craft, syne tystit war till ill—
 Than Sen that bowdin bludy beist Bothwell
 Hes trayterously in myrk put downe our King,
 His Wyfe the Quene syne rauyssit to him sell,
 In fylthie lust, throu cullour of wedding.
 Thocht sho *be witcheit* wald in ruttery ring,
 The Nobillis sould nether of thir endure,
 That lowne to leif, nor her to be his huire.

Dalzell's Scottish Poems, ii. 271. Edin. 1801.

Twenty years afterwards, in Bothwell's Testament, forged for her vindication, her attachment is ascribed to *enchantment*, to which he was addicted from his youth, and by which he had drawn the queen to love him. Appendix xxxi. The gloss put upon her marriage by a part of the lords, was necessary from their situation then; especially before the rest had determined, whether to conceal, or to expose her guilt and deprive her of the crown.

No. XIII. Vol. I. Page 115.

Letter from Sir Nich. Throckmorton to the right honorable Sir Will^m. Cecil Knight on of the Queens Mats. prevye Counsayle and principall Secretarye.

SIR me thynkyth the sd. LL. be on their way to make an end of theyr matters with theyr Sovereigne amongst themsellvs albeyt they kept bothe the Frenche and us in hand, for they cannot tell how to be rydd of theyr Queene (wyche I mystruste they intend anwey or other) without she consent; of the Frenche I kno them to be better inclynd to serve theyr humors then we And fyndynt they wyll thys coarse (notwithstanding ony threatnyngs of ony prynce) I muste take hede that we lose them not holy, and dryve them to be more French then they wold be, throughe the Q. Majesties sharpe impungyng theyr deseyeres. It were well don to make a vertu of necessitye, unless hyr Matie. will use arms agaynst them, And I see no happie end destynd unto us in these matters. To be playne with you I feare the end bothe for Gods dysplesure and for some unaptness amongst ouer folkes to enter and prosecute the warr; To understand what hathe passed synce my last dyspatch of the xiiii of July, I do referr you to hyr majesties letter sent now, and so do humbly take my leave of you. At Edynboroughe the xvi of July 1567.

Yours to use and command

N. THROCKMORTON.

As yet these lords will not suffer Mr. N. Elveston, sent from my lord of Murray, to have accesse to the Quene, nor to send my L of Murray's letter unto her.

16 of July
1567.
Original
Paper
Office, copied by
M. Crawford.

Sir Nich Throkemorton to the Q. Maty.

16 July
1567.
Original
Paper
Office.

IT may please yer Majestie I did advertize by my letters of the 19 of Julye how the Lordes assembled at Edenboughe, had deferred myne audience and conference with them, untill the retorne of the Earles of Marr and Glenkerne and the rest of theyre associates unto thys towne. But perceyvyng the sayde Lordes absent dyde not mynde to make anye spedye repayre hether, I did earnestlye presse theyr Lordes agayne to give me audyence, and the rather for that I saw theyre assembly agaynst the 20th of thys moneth drawe on, whereof I advertized yor Majestie in my last. Whereupon the 15 of thys moneth the Earles of Atholl, Moreton, the L. Hume, the L. of Lyddington, Sir James Boufor Capten of thys Castle and clerke of the Register, the L of Tylllyberne, and the L. of Cragmyller provost of thys toun dyd come to my lodgyng where (after ordynarye salutacyone donne) I dyd requayere them to heare and receyve what I had to say unto them from yor matie. The Lordes desyred me to forbear the openinge of myne instructyons untell theyre halle companye weare assembled, notwithstandinge I pressed them to desyst from delayes, and so the sayd Lordes aunswered me, that albeit they cam at thys tyme to salute me, and byd me welcome, and to entreate me to forbear to negotiate with them untill the rest of the companie weere assembled, yet to satisfye myne importunacye they woulde enter into negotyacun with me and so requyred me to declare youre Majesties pleasure, whereupon I did delyver them your Majesties letter, and did declare unto them your Majesties instructions given unto me, reservyng that article wche did concern the Frenche and the alyenacyon of theyre mynds from dealyngs with them. The lordes receyved yor Majesties letter with great reverence,

and hard very attentyvely without interrupcyon the halle discourse of myne instructions: whereunto theye answered by the mouthe of the L of Lyddington (who sat hyest but the two Earles and the L. Hume) that they humblye thanked yor Majestie that yt walde please you to deale so honorablye with them, whereby they had good occasyon to be well advysed on thyre answer to your Majestie, and therefore theye thought convenyent to tell me, that they might not make answer to the matters proposed by me upon the sudayne, and so requyred me to take in good parte theyre delyberacyon of suche matters as were conteyned and uttered by me in my instructyons at good length; and though they had agynst theyre oun determynacyon, and good order, for the satisfaction of my desyre, and to avoyde at yor majesties hands mysconceyvinge, adventured in the absence of theyre Complices to recyve yor Majesties letter to reade the same, and to heare what I had to saye on your Majesties behalf unto them, yet they requyred that bothe your Majestie would allow, and I would take in good part the suspencyon of theyre answer untill theyre assosyates were joyned with them. I replyed sayinge that though there were bothe noblemen and wyse men absent, and such as I coulde have bene verye well contented should have harde what yor matie had given me in charge; yet I knew right well that assemblye consystynge of such persons as it did, both for honor wysdome and credyt, had suffycient habyltye and authoritye as well to answer and resolve as to heere what had been declared: and therefore I requyred them to absteyne from ceremonyous delayes, and to make me answer to that I had declared on your Majesties behalf, and no longer to defere my repayre to the Quene theyre Soverayene. Than the Earle of Moreton answered and requyred me that I woulde not thynke that they ment anye unnecessary delays, but did forbear upon good advysemente to make

answer to so mayne and weychtye matters as had been opened by me on yor Majesties behalfe, without the advyce delyberacyon and consent of theyre fellowes: And therewith all the rest of the counsellors dyd, as it were with one voyce, confyrme what had been sayde by the Earle Moreton and the L. of Lyddyngton, wherupon I was compelled to take this for an answer at thys tyme.

Then I entred with them concerninge the state of the Borders, havynge recyved the same daye advertyzments from Sir John Trotter of a great spoyll made upon the fronteyre of Englande by two hundred Scottes accompanied with the fugityves of Englande: the lords answered by the mouthe of the Earle Morton that they weere sorye of such dysorders, and that they had given as good order as might be to keepe all things upon the frontyers in good staye, nevertheless the dyvysyon beinge so amongst them as it was, and Bodwell the murderer favored as he was bothe upon the frontyers and else where, it coude not be otherwyse but troubles would be raysed and nourished; and sure they weere that the pryncypall authors of thys forreye weere eyther of Bodwells payrty, or set on by hys partye, who had no other meane to helpe hymself thoughte it weere but for a tyme but bye troubles, breatche of peayce, and spolyacyon: notwithstandinge they dyd assure use they would wryte to all the wardens and to all the leade men upon the frontyre to conserve the peasce, and to lyve in good order, and moreover theye woulde entreate the L. of Grange who had good credyt with all the borderers, and namelye with the L. of Farnehest his sonne in lawe, to goe to the frontyeres and set all things in good staye, which donne the sayd L. of Graunge should report to the L. of Bedforde to Berwyche to use hys advyce and concurrence in the matter.

And yt may please your Majestie, synce the wrythynge of

my laste, I doe understande the Quene of Scotlande is in greate feare of hyr lyffe, and therefore hathe uttred to some of the LL. aboute her that she can be verye well contented eyther to lyve in a close nunrye in fraunce or wthe the ould Dougier of Guyse her Grauntmother.

The Earle Bodwell hathe been of late with the Earle of Huntelye at Strawboggye in the north of Scotlande, where he hathe attempted to leyve force and to make some styrr, But thoughe the Earle of Huntleye weere holden suspected to thaise men, he fynding Bodwell so lytle favored in all quarters, wyll not adventure muche for hym. And now I heare saye the sayde Earle can be contented that Bodwell shoulde myscarye, to ryd the Quene and hys sister of so wycked a husbnde : whereupon I understand that Bodwell dyd hastielye retyre himself awaye from the Earl of Huntleys house in the night, into Spynaye the Busshope of Murreys house, where also yt is thought he wyll not make anye longe tarynge, but retyre himself to the Isles of Orkeneye wch bee in nomber 32, whereof the Q. dyd create hym Duke. But I heare saye theyse lords have geven good order to impeache hys entrye into thoose Islands, and namelye bye the Brother of Sir James Baufor who is Captayne of the strongest place there ; the Bisshop also beinge at theys LL. devocyon.

The Hamyltons and the Earle of Argelle do begyn to enter into trafyke with theys Lordes.

I doe heare saye the Hamyltons can be pleased with the Quenes detencyon or a worse fate, and concurre with the I.L. in all thynges, so as the crowning of the prynce nor none other act may defeat them of thyre possybylytie to the crowne, wche theye feare by the settinge up of the house of Stuardes.

Theyse Lordes have sent Robert Melayn over the water to Lough Leven to talk with the Q. and the Lordes wche

have her in garde. At whose return as I can learne onye thyng worthye yor Maties knowledge, I wyll not fayll to advertyze the same bye my nexte.

The lord Roberte of Holyroodhouse, halfe brother to the Earle of Murraye, came yesternight to thys toun well accompanied, and repayred to the Earle of Atholls Lodgynge where all the Lordes sat in Counsell. The said L. Roberte synce the begynninge of these last troubles hathe had no intelligence with theys Lordes untill thys tyme, but hathe rather concurred with the Hamyltons.

As yet theys Lordes wyll not suffer Mr. Nycholas Elveston, sent from the L. of Murrey to have access to the Quene, nor to send my L. of Murreys letter unto her. Thus havynge non other occurraunts worthye yor maties advertyzement, I praye Almighty God send yor Matie Longe lyffe encrease of honor, and muche felycytye. At Edinborough theys 16th of Julye 1567.

Your Maties moost humble faythfull
obedyent servaunte and subjecte

(Signed) N. THROCKMORTON.

No. XIV. Vol. I. Page 125.

THE original act of council is lost or a missing, and an inaccurate English copy, found in the Cecil papers, is perhaps the only one extant. It is obvious that the mistake of *and*, for *or*, might have been committed either by the transcriber of the original record, by Haynes, or by the printer, in transcribing or publishing the Cecil copy. From collating that copy with the act of parliament, in which the act of council is resumed, or engrossed *verbatim*, Robertson proved its inaccuracy in other words; *bludy*, for *blindly* affectionat, her proceeding *in a priveit*, for her proceeding *to an pretendit* marriage with Bothwell, and all men abhorring their *traine* and companie for their *tyrannie* and companie. Whitaker considers these as merely Macgill's the Clerk Register's improvements in parliament, upon the language of Hay the clerk of council. But the clerk of council was invariably one of the deputy clerks of the Lord Register, under whose inspection its records were framed; (First Report of the Committee of the House of Commons on the Public Records, p. 39.) and an act intended to be converted into a law, when attested by Macgill himself, and the whole council, was undoubtedly framed by the same hand with the act of parliament in which it was engrossed. Such mistakes as *bludy* for *blindlie*, *priveit* for *pretendit*, *traine* for *tyrannie*, may be easily traced to those contractions so frequent in old MSS. which rendered the Scotch words unintelligible to an English transcriber. The confederates in their order for the queen's imprisonment in Lochleven, (Appendix, No. XI.) in their first bond, (Keith, 405.) and in their answer to Throckmorton, uniformly term Bothwell a tyrant, and the marriage a pretended, not a private marriage; and the context, that she

was "sa thrall and swa blindly affectionat to the private appetyte of that *tyrane*, and that bayth *he* and scho had conspyrit togidder sic *horrible cruelties*, being thairwithall garnissit with ane companie of ungodlie and vitious personis," &c. indicates sufficiently that all virtuous men abhorred, not their *traine*, but their *tyrannie* and *companie*. The orthography and inaccuracies peculiar to an English transcriber, may be traced in the act of council in Haynes, when compared with the act of parliament in Anderson or Goodall: *Others* for *utheris*, *felds* for *feildis*, &c. in which the Scottish plural is uniformly omitted: "And generally all *other* things, &c. *toweching* the said Queene hir person, that cause and all things depending thereon;" for "all *uiber thingis*, *tuiching* the said Queen and *detening* hir person that *the cause* and all thingis dependent thairon:" "The intromission *with* disposing upon her propertie" for "the intromission *or* disposing upon her propertye:" "hir dishonourable *proceedinge in a priveit*," for "her dishonourable proceeding *to ane pretendet* marriage;" in which *priveit* for *private*, is evidently a mistake or conjecture of Haynes or the transcriber, for the contraction of *pretendit*: "*holding and deteininge* the same," for "*halding and detening* the *samin*;" "soddentie" for "suddandlie:" "persavinge the Queene *so* thrall and *bludy* affectionat," for "*persaving* *alswa* the quene *sa* thrall and *swa* *blindlie* affectionat;" "and that a part of the three Estates *gif* their *selis* *heirupon*," for "ane part of the three Estates *gaif* their *seillis* *thairupon*;" "to be usit for the security of the noblemen and others having *entrit* in the cause," for "having *enteres* (interest) in the said cause." These are evidently the inaccuracies of an English transcriber perplexed with the orthography and contractions of the Scottish act; and after such errors, the mistake of *and* for *or* is nothing. Robertson, ii. 368. Whitaker, i. 293. 330.

No. XV. Vol. I. Page 129.

THE authenticity of this parliamentary document is disputed by Whitaker, because another "Account of Lord Herries' behaviour in the parliament 1567," is erroneous. But Argyle, Huntley, and Herries, were engaged in the association for the queen at Hamilton (Keith, 436.) and without their submission, would neither have been admitted to their seats, nor would the two former have been chosen as lords of articles, or selected to bear the regalia, at the first parliament held in the king's name. Their submission therefore is certain, and they protested for their own security, that no fault should be imputed to them for any cause begun or done since the 10th of July, for which the regent accordingly freely forgave them. The only material error which I have discovered in Robertson, is, the reliance inadvertently placed in his Dissertation, upon the other unauthenticated paper, or the Account of Lord Herries' behaviour, who made a notable harangue in the name of the duke and his friends (the Duke, Cassillis and Kilwinning being present) for their union and submission to the regent, that if the queen were in Scotland with 20,000 men, they would be of the same mind; and hoping that Huntley, Argyle, and others, (not present) would do the same. Robertson, ii. 339—461. Hamilton, Cassillis, and Kilwinning were absent, Argyle and Huntley were present at the parliament 1567, and the Account is evidently a Paper of intelligence from the north of England, to which, as to other papers we have met with, a conjectural and false date has been since assigned. It relates to a convention held by the regent on his return from England 1568-9,

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when the queen was not in Scotland, when the duke and his friends (Cassillis and Herries) were all present, and when Argyle and Huntley apparently were absent. Crawford's MS. It is written in English not in Scotch, is signed by no one, and was found in the Paper-office, and not among the Cecil, or Cotton papers. That it was forged and produced at the conference, requires us to believe, that Murray would represent the duke, (who had returned to England, on Elizabeth's passport, during the conferences,) as present in Scotland when he had notoriously remained in France since the Raid of Beith. Whitaker, iii. 17.

No. XVI. Vol. I. Page 149.

*Letter from Mr. John Wood to Cecil, dated York,
October 9th, 1568.*

SHIR—Atfer maist humble comendation of my service, 'pleis, I arryvit heir at Yorke this fryday tymlic in the morning, and fand nothing done but only preambles to the matter in hand. But that same day was the complaint given in be those that standeyth heyr for the part of the Q. our souvrayns mother against my lord regent, and the utheris for the king, who were desyrit to have answered this day: butt when thair defence behooffyt to haif includit the accusaiton and tryall of the Q. in the cause of the murther, the whole noblemen heir, on the king's party, gef in thir headis quhilks I am assured cumis to your handis to be resolved of; and albeit all us think it neidful to be resolved, yet in so weighty ane cause I might judge with your pardon that the delay of ansuering to the accusation proposed is of dyverse ment dyverslye, and all wald suyr and he that sees maist the danger, dois fear and stay quhil he may resolve quhilk way is surest, as oft I have proponed this danger: now when it is at the pynche, I maist humbly beseych you Sir to consydder of the danger the delay may bring on so wechtye and so necessarye ane cause; and lett not (so far as in your wisdoms lyeht) ceremonies stay and utterly undoyne so godly and so good ane work begoun, for I dar assure you that thir things being resolved, that in furtherance of the rest of the cause the word of the Evangile sal be accomplyshed, *et erint novissimi primi et primi &c.* And seeing now thair ar proponit, yff thay sall

From the
original:
Paper Of-
fice. M.
Crawford's
MSS.

not take playn and clear resolution, it may mar all the cause; for as I oft haif said, I fynd men to be men, and the most part of the world to propone sensyble suyrtye to conscience and honor boyth; Besyds, my lord Hereis dois not evin heir ceyse and forbear to augment sinister suspitions of the outfalling of the matter, and speiks plainly and amply as to it: Last, Jhone of Beton at his last downcummyng brought sex thousand crowns to Bolton; yff yai wer angels thai wald flye abroad, and as yai ar no, I can not but, knawin the nature of men and the liberalite of the hand that hes thayme, bot be afrayed of the harme thay may do, yff not fully to let, yitt to prolong and stay att all hands and in all places quhan yai may serve the turn: heir for Shir remember my ernist desyir and lett the suyre remeid quhilk I shew you be haistallye prowtydit in so grytt an cause. This far I am bold to trouble your honor, and craif earnestlye to understand that it wald pleas the Q. majestie to encourage fearfull spreitts; and then ye wald persave the trewth wald quikly appeair, quhilk all honest harts man traist the rest to your wisdoms guid consideration, and so I humbly tak my leif comitting your honor to the protection of God, from York the ix of October 1568.

Your honors to command at Service
doring lyiff

M. JHONE WOOD.

No. XVII. Vol. I. Page 153.

In abridging the numerous papers, which I have occasion to recite, I frequently adhere to the original words : for the fidelity of the abstract, I must appeal to the apologists for Mary themselves. Tytler, however, has affirmed on the authority of this commission, that Mary, before she agreed to the conference, had insisted (on) and got Elizabeth's promise, that neither Murray nor his associates, should be admitted to her presence, any more than Mary herself. Tytler, i. 108-21. The words of the commission are, "Knowing that the nobilitie of this realme are to assemble, and the matter may be proponit in publick, we are resolute, considering the matter that was spoken and promisit, that during this conference, the Erle of Murray principal of our rebels, suld not come in the presence of the Quene our gude sister, mair nor we : but be the contrair he being resavit and welcomit unto hir, and we ane free princess not having access to answer for our selves, as he and his complices ; thinks therefor ye can proceed na farther in this conference ; for ther may be some heids proponit quhairto you can not answer of your selfis, unless we were there in proper persoun, to give answer to the calumnies quhilk may come in question aganis us, swa that partiality appeirs to be usit manifestly." Goodall, ii. 184. "Considering what was spoken and promised," refers to the assurance of Elizabeth's favour, in consequence of which, she was resolute, that Murray should have no more access than herself ; and she concludes, that her commissioners should dissolve the conference, not for breach of promise, which they never ventured to insinuate, as no promise was ever made, but for manifest

partiality as they could not answer to the calumnies (of which she was fully aware) unless she were there in person. In her intercepted letters to her partizans in Scotland, she informs them indeed, that the conference was broken upon account of Elizabeth's breach of promise, "not to permit the Earl of Murray to come to her presence afoir the conference was endit, and mairover ther suld be nothing don to the prejudice of Mary's honour, estate, or right." Haynes, 504. But the whole letter is filled with the most extravagant fictions, and as the last promise, for the preservation of her honour, is certainly false, so the first is refuted by the uniform silence of her commissioners at the conference. It appears from Haynes (490) that the commissioners for the Queen of Scots, and the regent and his assistants, being called to the queen's majesty, her highness thought good to join more in commission to the former commissioners. Murray was admitted therefore as a commissioner, as the queen's were also admitted, to consent to the commission being enlarged, and transferred to Westminster. Anderson, iii. 25. The complaint of partiality therefore, because he obtained an audience before the conferences were renewed, was a mere pretext, not employed to prevent the renewal of the conferences, but reserved to prevent the accusation, or the evidence, against the queen. Hume, v. 141. note K. 497.

No. XVIII. Vol. I. Page 180.

IT was from the Minutes of this day's proceedings in Mary's register, that Tytler ventured to give Hume the lie, (page 45. first edit.) for which he was afterwards so severely chastised. Tytler in his subsequent editions, has softened, and almost suppressed the charge; but it is observable that, when he accused Hume of falsehood, he durst not give a fair quotation of the minute itself. After Mary's commissioners had shewn their instructions, for answering the accusation, and "desyrit the Quenis Majestie to cause thame have sic writingis as wei producit aganis thair maistres, be thair Maistres's adversaris," he suppresses the context, "And adhering to *the protestations maid be thame of befoir, and upon the conditiounis containit in thair writingis*, thair maistres wald mak answer thairto." Goodall, ii. 282. Their *former protestations* were those of the 25th of November and 3d of December, to answer to nothing touching her honour: *the conditions contained in their instructions or writings*, which Tytler has also omitted, were, "that the presence of our gude Sister, be permitted us to declair the justice of our cause to herself and no uther, not having consented to the assembly and convention of commissioners to uther effect, than to inform them of the verities;" (id. 284.) and Tytler, in his abstract of the Conferences (i. 136-70.) conceals throughout, that Mary refused to answer, unless admitted in person before Elizabeth, contrary, as Hume observes, to her practice during the whole course of the conference, till the moment the evidence of her being an accomplice in her husband's murder was unexpectedly produced. Hume, v. note N. In the procaedings

APPENDIX.

of the 7th of January, the same conditions are silently introduced, "that she wald answer, &c. conform to the writingis presented of befoir in her name," and under these reservations, not to answer touching her honour, nor to any other but Elizabeth in person, she demands inspection or copies of the letters, (Goodall, ii. 297.) which Tytler maintains throughout, were unconditionally refused. The truth obliges me to declare that Tytler did not understand the controversy, but wrote like a lawyer pleading from his brief; selecting what was advantageous for his client, not solicitous to discover, or to ascertain the truth. "*Verum in opere suscepto, nisi officio deesse vellem, æque mihi flagitiosum silentium, quam mendacium ipsum fuit vitandum,*" Thuanus, i. 40.

No. XIX. Vol. I. Page 237.

From Mr. James Melville's Life; MS.

“ THAT September (1582) in time of vacance, my uncle Mr. Andrew, Mr. Thomas Buchanan and I, hearing that Mr. George Buchanan was weak, and his history under the the press, passed over to Edinburgh anes errand to visite him, and to see the wark. When we came to his chamber, we fand him sitting in his chair, teaching his young man that served him in his chamber, to spell a b, ab, e b, eb, &c. After salutation, Mr. Andrews sayes, I see, sir, you are not idle. Better this, quoth he, nor steiling sheep, or sitting idle, whilk is als ill. Thereafter, he shewed us the epistle dedicatory to the king; the whilk when Mr. Andrew had read, he tauld him that it was obscure in some places, and wanted certain words to perfect the sentence. Sayes he, I may do na mair, for thinking on another matter. What is that? says Mr. Andrew. To die, quoth he. But I leave that and manie ma things to you to help.”

“ We went from him to the printers warkhouse, whom we fand at the end of the 17th book of his chronicle, at a place whilk we thought very hard for the time, whilk might be an occasion of staying the haill wark, anent the burial of Davie. Therefor, staying the printer from proceeding, we came to Mr. George again, and found him bedfast by his custome; and asking him how he did? Even going the way of weil-fare, says he. Mr. Thomas his cousin shows him of the hardness of that place of his storie, that the king would be offended with it, and it might stay all the wark. Tell me, man, says he, giff I

He was telling him also of Blackwood's answer to his Buik de Jure Regni.

have tauld the truth? Yes, says Mr. Thomas, Sir, I think sa. I will bide his fead and all his kins then, quoth he. Pray to God for me, and let him direct all. Sa, be the printing of his chronicle was ended, that maist learned, wise and godly man ended this mortal life."

Buchanan's dedication of his history to James is dated August 28th; this visit was early in September, and as Buchanan died on the 28th of that month, the history, if printed, was certainly not published before his death. According to Melvil's MS., the printing was just finished with his life, and his final repentance must have happened in the interval, between the visit and his death. His Detection was an anonymous pamphlet, easily disavowed, had he been so inclined. But that he had frequently lamented to James, those calumnies in the Detection which he has transcribed verbatim in his history; that he wished, when it was too late, to retract those calumnies in his history, which at that moment were under the press, but which he was afraid to retract lest it should be ascribed to dotage; are obvious, and incoherent fictions to conceal his impenitence, or his refusal perhaps to suppress any part of his writings when required by James. Thuanus's information, that he was required by James, but refused, to retract what he had written of Mary, is confirmed by his traditionary answer; "Tell him I am going to a place where few kings can come." Mackenzie's *Lives of Scottish Writers*, iii. 180. Bayle's *Diet.* The king, in consequence of the Raid of Ruthven, (August 23d) was detained at Perth; but Lennex remained at Edinburgh till September 5th; (Calderwood, iii. 151;) and his earnest application to Gourie, two months afterwards, for the original letters from Mary to Bothwell, (Robertson, ii. 381.) renders it not improbable that he made a similar application from the king to Buchanan before his death. Ruddi-

man in his Animadversions on his opponent, John Love, quibbles miserably upon the authority of Melvil's *Diary or Life*, till his bigotry fairly consigns Buchanan to hell, which the humanity of his biographer has softened and suppressed. Ruddiman's *Animadversions*, 13. Chalmer's *Life of Ruddiman*, 230.

The story of Buchanan's repentance was revived in 1714, by the author of the *Life of Sage*, who received it in a letter from Sage himself, who had it from lady Rosyth, an old lady, who had it from David Buchanan, an old man, who was present, and an ear witness to Buchanan's confession. As Sir George Buchanan of Buchanan died in 1651, lady Rosyth, his daughter, might have conversed with David Buchanan, the editor of Knox's history, before his death. David Buchanan, however, was the second son of William, fourth laird of Arnprior: John the first laird was killed in 1547, at the battle of Pinkey; Andrew the second laird was alive in 1560; but that his great grandson was old enough to witness Buchanan's confession in 1582, is altogether incredible. Again, David Buchanan published Knox's History in 1643, sixty-one years after Buchanan's death. His elder brother John was killed in the Irish massacre, 1641; his younger brother William fought as a captain at the battle of Inverkeithing, 1651, and he was alive himself, cultivating letters in 1649; facts utterly incompatible with his presence as a witness at Buchanan's confession. Buchanan's Family and Surname of Buchanan, 35—61. Nicholson's *Scot. Hist. Library*, 75. That confession should have convinced him of Mary's innocence; but the continuation of Knox's History, which, as it is found in no preceeding MS., must be ascribed to David Buchanan the editor, is written under a strong impression of her guilt. Sage was probably ignorant of David Buchanan's *Treatise De Scriptoribus Scotis Illus-*

tribus; (MS. Adv. Lib.) containing an account of Buchanan, in which the author would not have omitted, had he witnessed, the circumstances of his confession and death. Spottiswood, who was seventeen at Buchanan's death, was equally ignorant of his repentance and confession, which James himself, *to whom it was frequently uttered*, and from whom Camden's information must have proceeded, durst not insert among his invectives against Buchanan in his Basilicon Doron. Such confessions are the usual resort of party: at the instigation it is said of James, who furnished the materials, a recantation was once forged for Calderwood, on a report of his death, which he survived, however, to refute; and Sage, though silent in his controversial works concerning those confessions, has been made to vouch for another, of Henderson the covenanter, which, from Baillie's letters and the declarations of the general assembly, is demonstratively false.

Having mentioned Spottiswood, whom I seldom quote, let me bestow just approbation on his memory as an historian. Of the same age nearly with James, he conversed and lived with Mary's contemporaries, and had every opportunity to refute Buchanan if his facts were false, and every inducement to misrepresent them if true. When desired by James to undertake his history, Camden's Annals must have taught him what was expected; yet though he blames Buchanan for the bitterness of his writings, he adopts his facts, of which nothing less than contemporary evidence could have convinced him in opposition to his inclination and interest. Buchanan's narrative receives the strongest confirmation, when exposed to the same test both by Thuanus and by Spottiswood.

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FLETCHER of Salton suggested to Ruddiman (*Ani-madv.* 56.) that the Detection was not translated by Buchanan, and Patrick Anderson, (*Hist. MS.*) affirms that it was translated by another into the Scottish tongue. The title itself informs us, that it was "translated out of the Latine quhilk was written by Mr. George Buchanan;" and numerous examples might be produced to prove that the translator was an Englishman, who has not always understood the original. The first is from Ruddiman; "*nam et libellis propositis et picturis*," (alluding to the placards and pictures after the murder,) which Buchanan would not have translated, "for baith by buiks set forth," instead of bills stuck up, nor any Scotsman who knew that no books had been published on the subject then. Ruddiman's Buchanan, i. *Detectio.* 30. The same mistake occurs in the Action, where Wilson repeats the word, "*de libellis cædem coarguentibus*," which he translates by "buiks accusing the slaughter." When the queen went to Jedburgh, "*ad conventus juridicas ibi habendos*," is translated, "to the *assizes* there to be halden;" an English term never known in Scotland, where the assize invariably signified the jury, and where the assizes were denominated circuit courts. "*Tam vehemens dolor simul omnes corporis partes afflixit*;" and again, "*liventes pustulæ toto corpore eruperunt tanto cum dolore*," are translated "all the parts of his body were taken with a sore *ache*," "and certain black pimples broke out with such a sore *ache*;" but that the word was neither used, nor understood in Scotland, appears from the St. Andrew's edition, in which it is altered to, *sic a sair yuik*, and

sa great a yuik. "Dangerous for bringing the child to a *rheum*," a word unknown in Scotland, and the situation of Holyrood house, "being set in a low place and a very *marish*" are an old English idiom and an English word. "Confictis causis neque satis justis neque idoneis;" "by fayning certain *fond* and sclender causes;" in which *fond* for trifling, is neither a translation of the Latin, nor agreeable to the Scottish acceptation of the word. "Cum uxoribus comitum Atholiz et Marriæ;" "with the wives of the earles of Athol and *Murray*," a mistake which no Scotsman, who knew the distinction between Mar and Murray, could have well committed. "Conveniunt ad comitem Argatheliæ quod is rerum capitalium perpetuos questor esset;" which a Scotsman who knew his office, would have expressed by hereditary justice general, is translated literally, with the same circumlocution, "for that he is by inheritance the justice to deal with such crimes punishable with death." "Ad consilium publicum judicium;" "to the common assembly of the judges," instead of the court of session. "Though they touched some men *shrewdly*," which recurs in the Detection, "to give *naughty* men *shrewd* occasions," and in which the acceptation of *shrewd* is unknown in Scotch. "Differtur questio in speciem, revera suprimitur," is translated properly, "the enquiry for manners sake was *adjourned*," but as that word was unknown, or little used in Scotland, it was altered in the St. Andrew's edition to *continued*, the legal term for the trial being deferred. "It was Killigrew's hap to *mar* the play," an English word altered in the Scotch edition to, "*spill* (spoil) the play, and unvisor all the disguisings." Every whit, God wot, for the nonce, expressions peculiarly English, are converted into, every *quibit*, God *walt*, for the *nanis*, in the Scottish edition. "Ante quem diem *judicium* peragi volebant," is translated, "before quhilk day they wald nedes have the *arraignment* dispatched;" "ut vel

ipsi adessent vel procuratores mitterent," "or to send their proctors;" "Comes Cassillissæ cum mulctam solvere mallet," "willing rather to pay his *amercement*," are terms of English law, for which the technical words in Scotland, were *indictment*, *procurator*, *mulct* or *amand*. "Majestatis erat damnatus," "attainted of treason," for which the only Scotch word is *forfaulted*; "non secus ac si in fiscum relata fuissent," "as if they had, upon atteinder, come to her by forfeiture;" the terms and procedure of the English law, not of the Scotch, in which the goods fell by escheat or confiscation, upon a sentence of *forfaulture*.

But the Detection and the Action are both translated into old English, in imitation of Scotch; as *ech* for *ilk*, *anely* for *only*, *banes* (banns) for *bandis* in the Scottish edition. "That Bothwell might be *gorgeously beseene*;" (right well beseen, Spencer) "she *pastimed* there certain days;" "to *disteyne* with the maist fowl spot of that shameful act;" "to *divert* the blame thereof," in the Detection; "the crime *diverted* to others," in the Action: "to observe decorum and comely convenience;" "not governed by *advised reason*," (advised respect, Shakespeare; advised determination, Hooker) are elegant combinations or phrases to which the Scottish dialect had not attained. *Rathest*, the obsolete superlative of *Rath*, soon, converted in the Scotch edition, into *Ratherest* (Tyrwhit Gloss.) *qubilom*, the old English *whileom* (the Scottish *umquhile*) altered in the Scottish edition to *sometymes*; *go to*, (*ga to*, in the Scotch edition) *forsooth*, *certes*, *perdy*, are peculiarly English; *disfurnished*, *surceaseth nat*; "to her own only *beck* and pleasure;" "that she had not played the *dauncing skit*," (from skittish,) are words unknown in the Scotch of that age. "Prometheus his liver daily gnawen and *tyerit* upon by an eagle:" to *tir* in Scotch is to strip naked, (Douglass Glossary,) but to *tire* in old English is to pluck or feed upon, in the manner of birds of prey, (Tyr-

whit,) "and like an empty eagle tire on the flesh of me and of my son." Shakespeare. To *purse up* his past injuries; purse the substantive is *pose* in Scotch; *advouterer* old English for adulterer, to which it is changed in the Scottish edition; "but I *besbrew* that same Killigrew;" *by and by*, in the Scottish edition, *incontinent*; *Theifis Lane*, for the *Thief-rav*, all demonstrate an English translation in imitation of Scotch. The orthography is as imperfectly imitated as the language; *could* for *culd*, *not* for *not*, *mocht* for *micht*, *weir* for *wer*, and altho the *qu* is invariably used in *quhase*, *quhilk*, *quhen*, yet *quhile* invariably signifies *while* instead of *untill*, and *quhilom* and *quhence* are rejected in the Scottish edition as unknown words.

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LETTERS.

MEMORANDUM. That in the castel of Edenburgh there was left by the Erle Bothwell befoire his fleing away, and was sent for by one George Daglish his servant, quho was taken by the Erle Moreton, one small gilt cofer nat fully ane foot lang, beyng garnishit in sondry places with the Romaine letter F under an kyngis crowne, quhairin were certain letters and writynges well knawin, and by othes to be affirmit, to have been written with the quene of Scottes awne hand to the Erle Bothwell.

BUCHANAN'S DETECTION.

LETTER I.

*An (uther¹) letter to Bothwell, concerning the hate of
hir husband and practise of his murder.*

*Estant party du lieu ou l'auols laissé mon cœur, il se peult ayse-
ment iuger quelle estoit ma contenance, veu ce qui peult vn
corps sans cœur, qui a esté cause que iusques à la disnee il
n'ay pas tenu grand propos, aussi personne ne s'est voulu ad-
uancer, iugeant bien qu'il n'y faisoit bon. &c.*

. BEYNG departit from the place quhaire I left my hart,
it is easie to be judgit quhat was my countenaunce, seing
that I was even asmickle as ane body without ane hart,
quhilke was the occasioun that quhile dinner time I held
purpois to na body, nor yet durst any present thamselſis
unto me, judging that it was not gude so to do². Fower
myle ere I came to the towne, ane gentleman of the Erle of
Lennox came and made his commendations unto me³, and

¹ *Uther.*] This is the second letter in the English edition,
from which the letters and sonnets are printed, as the nearest
to the original. But the Scottish orthography is imperfectly
preserved, as the English printers relapsed perpetually into
their accustomed mode of spelling, which was rejected, from
the same cause, in the subsequent edition at St. Andrews. The
Latin and French translations may be found in Buchanan,
Jebb, and Goodall.

² *So to do.*] Apparently inserted in both versions, by the Eng-
lish translators at Westminster, in order to render the sense
explicit, as the same phrase, *so to do*, occurs in the next sen-
tence of the English translation. Similar amendments, at
Westminster or afterwards, will occur in the sequel.

*The long Letter written from Glasgow from the Queen
of Scots to the Earl Bothwell.*



English.



(This in Burleigh's hand.)

BEING gon from the place where I had left my heart,
it may be easily judged what my countenance was, consider-
ing what the body may without heart, which was cause
. that till dinner I had used little talk,
neither would any body adventure himself thereunto, think-
ing that it was not good so to do.

Four miles from thence a gentleman of the Earl of Lenox
came and made his commendations and excuses unto me,

‘Made his commendations unto me.] Quoted by Tytler,
(i. 227.) as peculiarly Scotch. To *make my compliments*, is a
Scotticism frequently used; to *make my commendations*, seldom
or never. “After,” and, “with my most hearty recommen-
dations,” are the common expressions in the letters of the age;
and of sixty instances to which Whitaker appeals, (ii. 13. n.)
the French phrase, *make my commendations*, occurs but thrice;
twice in Sadler’s letters, and once in a letter from Baillie, a
Fleming accustomed only to write in French. (Murdin, 17.)
It would be strange indeed, if in all the State Papers, Scotch
and English, which he and I have examined, the literal trans-
lation of, *me fait ses recommendations*, if a common Scottish
phrase, should occur but twice; except in a letter from a
foreigner full of French idioms, and in a single letter from
Mary to Bothwell.

excusit hym that he came not to meete me, by reason he durst not enterprise the same, because of the rude wordes that I had spoken to Cunningham, and he desirit that he should come to the inquisition ⁴ of the matter that I suspectit hym of. Thys last speaking was of hys owne head ⁵, without any commissioun. I aunswerit to hym that there wes no recepte could serve against feare ⁶, and that he would not be afrayed in case he were not culpabill, and that I aunswerit but rudely to the doubtis that were in his letters. Summa, I made hym holde hys tounge, the rest were lang to write ⁷. Sir James Hammeltoun met me, quho schewed that the uther time ⁸ quhen he heard of my

⁴ *Inquisition.*] An obsolete French term, equivalent then to *enquête recherche*, (Cotgrave, Dict. de l'Acad.) the judicial enquiry, or inquisition of Hiegate.

⁵ *Of hys owne head.*] Quoted as Scotch by Tytler, (ibid.) who forgets the French phrases, *de sa tête, de son chef, sans commission*. "Cet auteur ne dit rien de son chef." Dict. de l'Acad.

⁶ *There was no recepte could serve againste feare.*] Quoted also as proverbially Scotch, as if Mary's reply to Lennox, in a Scottish proverb, when repeated in a letter, could render that letter originally Scotch. The Scottish proverb is, "There is na remede for fear but cut off the head;" (Kelly's Scotch Prov.) the French, "On peut bien guérir du mal, mais on ne sauroit guérir de la peur;" (Dict. de l'Acad.) and these proverbial expressions in the letters, supposed to possess such curious felicity and spirit in Scotch, are either common to modern languages, or peculiar to the French; from which the whole passage, as well as the phrase in question, is evidently derived. Je lui disois qu'il n'avoit aucun remede qui pouvoit servir contre la crainte (an expression equally proverbial in French and Scotch) et qu'il n'auroit point de peur s'il ne se trouvoit pas coupable, et que je ne repondois que vertement aux doutes qu'il fit dans ses lettres; in which the variations of the English version, "that he had no

that he came not to meet me, because he durst not enterprize so to do, considering the sharp words that I had spoken to Conyngham, and that he desired that I would come to the enquiry of the facts which I did suspect him of: This last was of his own head without commission; and I told him that he had no receipt, against fear, and that he had no fear, if he did not feel himself faulty. And that I had also sharply answered to the doubts that he made in his letters as though there had been a meaning to pursue him. To be short, I have made him hold his peace; for the rest it were too long to tell you. Sir James Hamilton came to meet me, who told me that at another time he went his way when he heard of my coin-

fear," (*n'avoit point de peur*) "if he did not feel himself (*se trouvoit*) faulty," "the doubts that he made," (*qu'il fit*) sharply answered," point out the precise idiom of the French original.

⁷ *The rest were long to write.*] *Le reste seroit trop long à vous dire*, as in the English version; and the Latin *summa*, which recurs so frequently, and was then prefixed to the sum total of accounts, is indisputably a substitute for the French word *somme*, in short. "*Somme, elle nous renvoya au roy, sur ses termes de lui dire le tout.*" Murdin, 237.

⁸ *The uther time.*] *Qu' autrefois*, formerly, of which the literal translation, "the uther time," perplexes Whitaker to discover upon what former occasion it happened, ii. 27. Buchanan informs us incidentally, that when she had returned to Stirling, in the beginning of January, "*quotidie se Glasguam ituram ostenderit*," (349) upon which occasion Lennox, suspicious that his son was poisoned, and that he himself was in danger, left Glasgow, not on her arrival, but upon the report of her coming, of which she received the first intimation on her arrival now. And from this circumstance the forgery is inferred, because there was no preceding journey which would have rendered the present intelligence unnecessary.

coming, he departed away, and sent Houstoun to schaw hym that he would never have belevit that he would have pursued hym, nor yet accompanit hym wyth ⁹ the Hammeltonis. He answered that he was onely cum but to see me, and that he would neyther accompany Stewart nor Hamiltoun but by my commandement. He desired that he would cum and speake with hym, he refused it. The Lord of Luse Houstoun and Cauldwellis sonne, wyth xl horse or thairabout came and met me. The Lord of Luse said he was chargit to ane day of law ¹⁰, by the kingis father, quhilk should be this day, against his owne hand writ, quhilk he hes. And yit notwithstanding, knowing of my cumyng it is delayit, he was inquit to cum to hym, quhilk he refused, and swearis that he will indure nothing of him. Never ane of the towne ¹¹ came to speak to me, quhilke causis me thinke that they are hys, and neverthelesse he speakis gude, at the least hys sonne ¹². I see na uther gentleman but thay

⁹ *Accompanit hym wyth.*] *S'accompagner avec*, associated himself with the Hamiltons. It is observable, that *suivre*, the word that preceded it, is differently translated, "to pursue," and to *follow*, in the two versions; but that the Scotch is erroneous, appears from the answer. That he was *only* come, in the English version that he was *not* come, *but* to see me, each a literal translation of *qu'il n'étoit venu que pour me voir*, and that he would neither accompany Stewart nor Hamilton but by my commandment; from which the question implies, not that he would *pursue* Lennox or the Stewarts, but that he would *follow* and accompany himself with the Hamiltons. The Scotch translator mistaking this for the explanation of a former passage, in the English version "as though there had been a meaning to pursue him," omitted that passage as unnecessary or as less explicit.

¹⁰ *Ane day of law.*] Though not uncommon at the time, this expression, which recurs in the second letter, is evidently translated in both versions, from *un jour de loi*, a court or law day. (Cotgr.) quhilk should be this day, *qui devoit être cet jourd'hui-là*.

ing, and that he sent unto him Houstoun, to tell him that he would not have thought that he would have followed and accompany himself with the Hamiltons. He answered that he was not come but to see me, and that he would not follow Stuart nor Hamilton but by my commandment. He prayed him to go speak to him, he refuses it. The Lord Luse, Houstoun, and the son of Caldwell, and about 40 horse, came to meet me, and he told me that he was sent to one day o law from the father, which should be this day, against the signing of his own hand writing, and that knowing of my coming he hath delayed it, and hath prayed him to go see him, which he hath refused, and swearing that he will suffer nothing at his hands. Not one of the

¹¹ *Nevir ane of the towne.*] In the Scottish edition, “*that town;*” Glasgow, where the queen then was, which is produced by Whitaker as an indisputable detection, ii. 36. At the utmost, it would amount only to an erroneous translation of *cette ville, that*, instead of *this town*; just as *ce corps*, in the sonnets, is rendered *this body*, instead of *that*. But the black letter contraction, though minute and indistinct, is evidently *y**, when compared with others, four and sixteen pages afterwards, and the English version, “the town” removes the mistake.

¹² *Nevertheless he speakis gude, at the least bys sonne.*] Here the difference of the two versions may be ascribed to the queen’s haste, and the obscurity of the original. *Pas un de la ville me vint parler, ce qui me fait penser qu’ils sont à lui, et ainsi ils parle bien, au moins son fils*, which the Scotch translation would render, “nevertheless he speaketh gude,” and the English with more diffidence, “they so speaketh well of them.” Whether or not she meant, as an additional proof that the townsmen were his, that they spoke well, at least of the son, or that though they were his, he spoke fair, as least the son, the Latin translator guessed at the first, “*præterea loquuntur bene saltem de filio,*” as the only meaning of which the passage was susceptible.

of my cumpany. The kyng sent for Ioachim yesternight, and askit at hym quhy I lodgeit not besyde hym¹³, and that he would ryse the soner gif that wer, and quhairfoir I come, gif it was for gude appointment¹⁴, and gif ye wer thair in particular, and gif I had made my estait¹⁵, gif I had taken Pareis and Gilbert to wryit to me, and that I would send Joseph away. I am abashit quho hes schawin hym sa farre, yea he spake evin of the mariage of Bastian. I inquirit hym of his letters, quhairintil he playneit of the crueltie of sum, aunswerit that he was astonyshe, and that he was sa glad to see me that he belevit to die for¹⁷ glad.

This berer
will tel you
sumwhat
upon this¹⁶.

¹³ *Besyde hym.*] *Près de lui*, as in the English version, "nigh to him."

¹⁴ *Gif it was for gude appointment.*] *Si pour bon appointement*; from the obsolete word *appointer*, to accommodate, or terminate amicably. (Dict. de l'Acad.) Appointment was formely used in Scotch and English for a treaty or public accommodation, (Goodall, ii, 184. 226. 384. Beaton's Letter, Append.) but a word expressive of Mary's situation with Darnley, is employed in the French idiom and obsolete acceptation, of a reconciliation or accord made between friends fallen out; (Cotgrave.) as in Mary's celebrated letter on Elizabeth's amours, "Le comte d'Oxford n'osoit *ce rappointer* aueques sa femme," Murdin, 559.

¹⁵ *Made my estait.*] Another example of a phrase significant only in French. *L'état d'une maison*, signified then a list of the officers of the household, *faire un état*, to make or settle the list of the household; (Cotgr.) which the English translation omits as unintelligible, and the Scotch has literally transcribed from the French. Wilson, the Latin translator, perceived and preserved its meaning; "an familiæ catalogum fecissem," which the French translator has rendered, "quelque rôle de domestiques," "expressing all that he found in the Latin," through which the original idiom was not perceptible. But Whitaker, conscious of the original idiom, of which he was fully apprised by lord Hailes, (Miscel. Remarks, 20.) arbitra-

town came to speak with me, which maketh me to think that they be his, and they so speaketh well of them, at least his son. The king sent for Ioachim and asked him why I did not lodge nigh to him, and that he would rise sooner, and when I came, whether it were for any good appointment that he came, and whether I had not taken Paris and Gilbert to write, and that I sent Joseph. I wonder who hath told him so much even of the marriage of Bastian. This bearer shall tell you now, upon that I asked him of his letters. And where he did complain of the cruelty of some of them. He said that he did dreme, and that he was so glad to see me that he thought he should die, indeed that he had found fault with me.

rily converts it into officers of state ; or into "one of those absurdities which crowd the letters, or marks of forgery inserted by chance," ii. 42. 407. The precise meaning is ascertained however by the king's enquiries concerning the alterations in her household ; the admission of Paris (not as Goodall supposes to write, but) as her chamberlain, and Gilbert (Curl) as her secretary, the departure of Joseph (Rizio's brother) and the marriage of Bastian with her confidential maid.

¹⁶ *Sumwhat upon this.*] The marginal note in the English edition was probably an omission, not of the original, but of the Scottish version, in which it was inserted on the margin, as the English translation preserves it in its proper place in the text. Whitaker's conclusion that the note was superinduced after the letters were shewn at York, (ii. 47.) is founded on a mistake already corrected, (*supra*, ch. iv. n. 22.) of the Scotch Extracts for the English Abstract, both of which we have annexed to these letters.

That he belevit to die for gladness.] Qu'il pensa mourir de joie ; but the whole sentence, in both versions, is indisputably French. Je l'enquis de ses lettres où il se plaignoit de la cruauté de quelques uns ; répondit qu'il rêvoit, et qu'il étoit si joyeux de me voir, qu'il pensa mourir de joie.

ness; he fand great fault that I was pensive, I departit to supper, thys bearer wyll tell you of my arrivyng, he prayit me to returne, the quhilke I did, he declarit unto me hys sickness¹⁸, and that he would make na testament but onely leif all thyng to me, and that I was the cause of hys malady, because of the regrait that he had that I was so strange unto hym¹⁹. And thus he sayd, ye aske me quhat I meyne by the crueltie conteynit in my letter, it is of you alone that will not accept my offeris and repentance. I confesse that I have fayled, but not into that quhilke I ever denyit, and sic lyke hes fayled to sundry of your subjectis, quhilk ye have forgiven²⁰. I am yong. Ye will say that ye have forgiven me oft times, and yet that I returne to my faultis. May not ane man of my aige for lacke of counsle fall twyse, or thryse, or in lack of hys promyse, and at last repent hymselfe, and be chastised by experience? If I may obteyne pardoun, I protest I shall never make fault²¹ agayne. And I crave na uther thyng but that we may be at bed and bourd together as husband and wyfe, and if ye wyll not consent heirunto, I shall nevir ryse out of thys bed. I pray you tell me your resolution. God knowes how I am punisht for making my god of you,²² and for having no uther thought but on you, and if at any time I offend you, ye are the cause, because quhen any offendis me, if for my refuge I might playne unto you, I woulde speake it unto no uther body, but quhen I heare any thyng, not

¹⁸ *Hys sickness.*] *Son mal*, translated *grief* in the one, and *sickness* in the other; as his *maladie*, *sa maladie*, is rendered in the English version.

¹⁹ *Because of the regrait that he had that I was so strange unto hym.*] *A cause du regret qu'il avoit que je lui étois si étrange*; alienated from him.

²⁰ *Quhilk ye have forgiven.*] In the English, *well pardoned* them, *vous leur avez bien pardonné*.

I went my way to sup. . . . This bearer shall tell you of my arriving. He prayed me to com agayne, which I did, and he told me his grief, and that he would make no testament, but leave all unto me, and that I was cause of his sickness for the sorrow he had, and that I was so strange unto him. And (said he) you asked me what I meant in my letter to speak of cruelty. It was of your cruelty, who will not accept my offres and repentance. I avow that I have don amisse, but not that I have also always disavowed, and so have many other of your subjects, and you have well pardoned them. I am young. You will say that you have also pardoned me in my time, but that I return to my fault. May not a man of my age, for want of council, fail twice or thrice, and misse of promise, and at the last repent and rebuke himself by his repentance? If I may obtain this pardon, I protest I will not make fault again, and I ask nothing but that we may be at bed and table together as husband and wife, and if you will not, I will never rise from this bed. I pray you tell me your resolution hereof. God knoweth that I am punished to have made my God of you, and had no other mind but of you, and when I offend you some time, you are cause thereof; for if I thought when any body doth any wrong to me that I might for my resource make my moan thereof unto you, I will open it to no other; but when I hear any thing, being not familiar with you, I must keep it in my mind, and that troubleth

²¹ *I shall never make fault agayne.*] *Faire faute*, not to commit a fault, but to fail, disappoint, or shrink from; (Cotgrave.) and Darnley, who had failed twice for lack of counsel, or in lack of promise, protests, if he may obtain pardon, never, *faire faute*, to fail or disappoint her in his duty again.

²² *Making my god of you.*] *Pour vous faire mon dieu*. To make his god of one, is neither Scotch nor English, but the French phrase, “*Il en fait son dieu.*” Dict. de l’Acad.

beyng familiar wyth you, necessitte constreynes me to kepe it in my breast. And that causes me to tyne my wit for very anger. I aunswerit ay unto hym²³, but that woulde be ouer long to write at length. I askit quhy he woulde passe away in the Inglish schip, he denyes it and swears thairunto, but he grantes that he spake wyth the men. After thys I inquirit him²⁴ of the inquisition of Hiegait, he denyit the same quhile I schewd hym the very wordes was spokin. At quhilke tyme he sayd that Minto had adverteist him that it was sayd that sum of the counsell had brought ane letter to me to be subscrivet to put hym in pressoun, and to slay him if he mayd resistance. And he askit the same at Mynto hymselfe, quho aunswerit that he belevit the same to be true. The morne I will speake to hym uppoun thys point. As to the rest of Willie Hiegait he confessit it. But it was the morne after my cumming or he did it. He wald very faine that I should lodge in hys lodging, I refusit it, and sayd to hym, that he behovit to be purgeit, and that could not be done here, he sayd to me, I heare say ye have brought ane lytter wyth you, but I had rather have passit wyth you. I trow he belevit that I would have sent hym away presoner: I aunswerit that I woulde take hym with me to Craigmillar quhair the medicinar²⁵ and I myght helpe hym, and not be farre from my sonne, he aunswerit that he was reddie quhen I pleasit, so I would assure him of hys request. He desires no body to see hym, he is angry when I speake of Walcar and sayis

²³ *I aunswerit ay unto hym.*] Je lui repondis toujours. To avoid a multiplicity of notes, many intermediate idioms, which it is impossible to quote, are referred throughout to the reader's discernment.

²⁴ *After thys I inquirit him of the inquisition of Hiegait.*] Après cela je l'enquis de l'inquisition de Hiegait. In Mary's letter to Elizabeth, August 26. "Enquirez-vous s'ils n'estoyent à Dum-

my witts for anger. I did still answer him, but that I shall be to long. In the end I asked him whether he would go in the English ship. He doth disavow it, and sweareth so, but confesseth to have spoken to the men. Afterwards I asked him of the inquisition of Hiegate, he denied it till I told him the very words, and then he said that Minto sent him word that it was said that some of the councill had brought me a letter to sign to put him in prison, and to kill him if he did resist, and that he asked this of Minto himself, who said unto him that he thought it was true. I will talk with him to morrow upon that point. The rest, as Will Hiegate hath confessed, but it was the next day that he came hither. In the end he desired much that I should lodge in his lodging. I have refused it. I have told him that he must be purged, and that could not be done here. He said unto me, I have heard say that you brought the litter, but I would rather have gone with yourself. I told him that so I would myself bring him to Craigmillar, that his physicians and I also might serve him without being far from my son. He said that he was ready when I would, so as I would assure him of his request. He hath no desire to be seen, and waxeth angry when I speak to him of Walcar, and saith that he will pluck his ears from his head, and that he lieth, for I asked him before of that, and what cause he had to complain of some of the lords, and to threaten them. He denyeth it, and

fries avec eulx," (1568, Caligula, c. 1.) and in her letter to archbishop Beton, written in Scotch with her own hand, "Hiegate, being *enquyrit*, in our council, of his communication had with Walcar," (Keith, pref. 8.) the same phrase is introduced on the same subject, four days before her letter to Bothwell.

²⁵ *Medicinar.*] *Le m'decin.* Medicinar I believe is seldom to be found.

that he shall plucke the eares out of hys head²⁶, and that he lyes; for I inquyret him upoun that, and that he was angry wyth sum of the lordis, and would threaten them, he denies that, and sayis he luifs tham all, and prayes me to geve trust to nathing against him, as to me he wald rather geve hys life or he did any displeasure to me²⁷. And after thys he shewd me of so many little flatteries, so couldly, and so wyislie²⁸, that ye will abash thereat. I had almaiist forgot that he sayd he could not doubt of me in this purpose of Hiegaittis, for he would never beleve that I quho was his proper flesh would do hym any evill, alsweill it was schawin that I refusit to subscribe the same²⁹: but as to any uthers that would pursue him, at least he should sell hys life deare enough, but he suspected no body nor yit would not, but would luif all that I luffit, he would not let me depart fro hym, but desirit that I shoulde wake wyth him. I make it seeme that I beleve³⁰ that all is true, and takes heed thereto, and excusit my selfe for this night that I could not wake; he says that he sleepes not well, ye saw him never better nor speike mair humbler. And if I had not a prui of hys hart of waxe, and that mine were not of ane dya-

²⁶ *Plucke the eares out of hys head.*] *Arracher les oreilles de la tête*, which is literally translated in the two versions. Our vernacular idiom is to pluck out his eyes, and to pull his ears, or to cut them off. "Therefore wald God I had his eris to pull;" (Gawin Douglas's Virgil, Prol. l. iv.) and in these minute diversities of idiom the original language is easily discerned.

²⁷ *Rather geve hys lyfe or he did any displeasure to me.*] *Plutôt donner sa vie que de me faire quelque déplaisir.*

²⁸ *Shewed me of so many little flatteries, so couldly and so wyislie.*] *M'a tant montré de petites flatteries, si froidement et si sage-ment*; of which the import can only be discovered in French. Whitaker replies, that tantum minutarum adulationum is equally Latin; to avoid the sole point in dispute, whether the

saith that he had already prayed them to think no such matter of him. As for myself he would rather lose his life than do me the least displeasure; and used so many kinds of flatteries, so coldly and so wisely, as you would marvyle at. I had forgotten that he said that he could not mistrust me for Hiegate's word, for he would not believe that his ownself (which was myself) would do him any hurt, and indeed it was said that I refused to have him let blood, but for the others he would at least sell his life deare ynoughe, but that he did suspect no body, nor wold. But wold love all that I did love. He wold not let me go, but wold have me to watche with him. I made as though I thought all to be true, and that I would think upon it—and have excused myself from sitting up with him this night, for he saith that he sleepeth not. You never heard him speake better nor more humbly; and if I had not proof of his heart to be as waxe, and that mine were not as a diamond, no

Scotch "he *schaewed* me of so many little flatteries," is an idiom derived from a French original. "So couldly and so wyislie," *si froidement et si sagement*; in which *froidement*, chiefly used in a figurative sense, signifies "d'un maniere sérieuse et réservé;" (Dict. de l'Acad) not, as Whitaker supposes, so coolly and wisely, but in a manner so serious and prudent, as would astonish Bothwell.

²⁹ *Refusit* to subscribe *the same*.] The passage refers to Minto's preceding information, that a letter to imprison Darnley, or to slay him, if he made resistance, had been brought to the queen. But the English translator, not perceiving the reference, mistook *signer* for *saigner*, and from a passage in the next letter, converted the queen's refusal to sign the warrant, into a refusal to have him let blood. The difference not only demonstrates that the English is not derived from the Scotch, but that the two versions are both derived from a French original.

³⁰ *Make it seeme that I beleve*.] *Faire semblant de le croire*.

mont, quhairintill no shot can make breach³¹, but that quhilk comes forth of your hand, I would have almaist had pitie of hym. But feare not, the place shall holde unto the death³². Remember, in recompence thereof, that ye suffer not yours to be wonne by that false race that wil travell no lesse with you for the same. I beleve they have bene at scholis together; he has ever the tear in his eye³³; he salutes every body, yae unto the least, and makes pitious caressing unto them, to make them have pitie on hym. Thys day his father bled at the mouth and nose, gesse quhat presage that is. I have not yit sene hym, he keepes hys chamber. The kyng desires that I should geve hym³⁴ meate wyth my owne handes. But geve na mair trust quhair you are than I shall do here. This is my first jorney³⁵, I shall end ye same to morrow. I write all thynges,

³¹ *Of ane dyamont, quhairintill no shot can make breach.*] A heart of wax, or of diamond, are harsh, and hardly intelligible conceits; but *yeux de cire*, tender, easily melting, (Cotgrave.) *cœur de cire*, fickle, inconstant, as in the sonnets, “Vous dépeignez de cire mon las! cœur;” un *cœur de diamant*, a heart, not of diamond, but of adamant, are familiar in French. I could have pitied him, says Mary, si je n’ai pas une preuve de son *cœur de cire*, et que le mien n’étoit pas d’un *diamant* où nul trait peut faire *breche* que celui qui vient de vos mains.

Depuis le jour que la première *fleche*,
De ton bel œil m’avança la douleur,
Et que sa blanche et sa noire couleur,
Forçant ma force, au cœur me firent *breche*.

Ronsard’s Amours, l. i. son. 27.

And Mary, who knew the fickleness of Darnley’s heart, and the tenderness of her own, that it was not of adamant, has adopted this last conceit from Ronsard, whose verses were undoubtedly in her contemplation at the time.

³² *The place shall holde unto the death.*] La place tiendra jusqu’à la mort.

stroke but coming from your hand would make me but to have pity of him. But fear not, for the place shall continue till death. Remember also in recompence thereof, not to suffer yours to be won by that false race that would do no less to yourself. I think they have been at school together. 'He hath always the tear in the eye. He saluteth every man, even to the meanest, and maketh much of them, that they may take pity of him. His father hath bled this day at the nose and at the mouth, guess what token that is. I have not seen him, he is in his chamber. The king is so desirous that I should give him meat with my own hands, but trust you no more there where you are than I do here. This is my first journey, I will end to-

³³ *He has ever the tear in his eye.*] Quoted by Tytler as a Scotch proverb, though literally from the French phrase, *Il a toujours la larme à l'œil*. "I beleve they have been at *schools together*," *je crois qu'ils ont été à l'école ensemble*, is equally unknown in Scotch, though proverbial in French; *vous allez tous à la même école*, you all join in the same story, or play the same part. Miscel. Rem. 23. See Ferguson's Scotch Proverbs, 1598. and Kelly's, 1721. in which no such proverb is to be found.

³⁴ *That I should give him.*] The king, not as Whitaker supposes, that she should give his father meat with her own hands, ii. 122.

³⁵ *This is my first journey.*] *C'est ma première journée*, her first day's work, in which the French idiom and word are preserved. Tytler maintains that a *journey* still signifies a day's work in England, and Whitaker, (each reasoning *ab ignoto*) asserts that it signifies the same in Scotland. It occurs in Chaucer and Winton, when the language abounded in Norman French, and in the Complaint of Scotland, where it signifies a military inroad or battle. But the original meaning of the word is lost when compounded in *journeyman* and *journeywork*, which Tytler quotes; and a *journey* for a day's work, is to be found in no other letter or composition of the age.

howbeit thay be of littill weight, to the end that ye may take the best of all to judge upon. I am in doing of a werke here that I hait greatly. Have ye not desire to laugh³⁶ to see me lie so weill, at the least to dissembill so weill, and to tell hym truth betuix handis. He shewd me almaist all that is in the name of³⁷ the byschop and Sutherland, and yit I have never toucheit ane word of that ye shewd me, but allanelie by force flattering³⁸, and to pray hym to assure hymselfe of me. And by playning on the byschop, I have drawn it all out of hym³⁹. Ye have heard the rest. We are coupled wyth twa false races, the devill sunder us, and God knitte us together for ever⁴⁰, for the maist faythfull couple that ever he unitid. This is my fayth I will die in it⁴¹. Excuse if I write evill, ye may

³⁶ *Have ye not desire to laugh.*] N'avez vous pas envie de rire.

³⁷ *In the name of.*] Au nom de, in the bishop's behalf in the English version, where the idiom is dropt.

³⁸ *By force flattering.*] Not as Whitaker supposes, "of necessity flattering and to pray him," (il. 130.) but a literal translation of the colloquial French phrase, *force argent, force blé, force amis*, a power of money, &c. *mais seulement par force (de) flatter et le prier de s'assurer de moi*; and the English version, "by much flattering," confirms this remark of Lord Hailes. Miscel. Rem. 21.

³⁹ *Drawn it all out of hym.*] Here the difference between the two versions affords a convincing proof of the French original. After two unsuccessful attempts to substitute something equivalent, the English gives us the French phrase *verbatim*; *tiret les uers du nez*; while the Scotch adheres to the words, "I have *drawn* it all out of him;" but rejects the proverbial idiom, *les vers du nez*, as unintelligible when translated. The passage refers apparently, not to Stewart bishop of Caithness, Lennox's brother and Sutherland's brother-in-law, (Whitaker, ii. 129.) but to Gordon bishop of Galloway, Sutherland's cousin, and uncle to Huntley, and to Bothwell's wife, to whom, by a natural transition, the queen immediately returns.

morrow. I write all, how little consequence soever it be of, to the end that you may take of the whole that shall be best { for you to judge } I do here a work that I hate { for your purpose. } much, but I had begun it this morning, and you not list to laugh to see me so trimly make a lye, at the least dissemble, and to mingle truth therewith. He hath almost told me all on the bishop's behalf and of Sunderland, without touching any word unto him of that which you had told me, but only be much flattering him, and praying him to assure himself of me; and by my complaining of the bishop I have disclosed all, I have known what I would. I have taken the worms out of his nose. You have heard the rest. We are tied to with two false races. The good yeere untye us from them. God forgive me, and God

⁴⁰ *The devill sunder us, and God knitte us together for ever.*] In the English version, "May the good year untye us;" the common corrupt expression of the age for the *goujere*, or veneréal disease. "What the good year?" occurs repeatedly in Shakspear, and in other writers of the same period, as a modest expression for, *What the pox*. See Steevens' note on Lear, v. 3. Each version therefore employs a different proverbial expression for the same French imprecation. "We are coupled," says Mary to Bothwell, "wyth *two false races*;" (her husband, and his wife) "the devill sunder us (God forgive me, Eng.) and God knit us together for ever, for the maist faythful couple that ever he united." Nous sommes liés avec deux *fausses races*, le diable nous sépare, (Dieu me pardonne) et Dieu nous noue ensemble pour jamais, pour le plus fidèle couple qu'il ait jamais noué. And this last phrase occurs in her letter to Elizabeth, pour plus surement nouer cet nœud. Anderson, iv. part i. p. 50.

⁴¹ *This is my fayth, I will die in it.*] C'est ma foi, je veux y mourir; and her last letter to her almoner, before her execution, contains, "Protestation de ma *foi*, dans laquelle je veux mourir." Mad. Keralio, v. 438.

gess the halfe of it, but I can not mende it, because I am not weill at ease⁴²; and yet very glad to writ unto you quhen the rest are sleepand, sithe I can not sleipe as they do, and as I would desire, that is in your armes, my deare love⁴³, quhom I pray God to preserve from all evyll, and send you repose, I am gangand to seke myne till the

⁴² Excuse if I write evil, ye may gess the halfe of it, but I cannot mend it, because I am not weill at ease.] *Excusez si j'écris mal.* Il faut en deviner la moitié, mais je n'y saurois que faire (mend it, Scot. do with all, Eng.) car je ne suis pas bien a mon aise; and again, "excuse this evil wryting," at the conclusion of the letter. But these are inserted as excuses for the bad execution of the forgery, or for its difference from her real hand, Whitaker, ii. 132. Her hand writing, as it was formed in imitation of Italick print, was termed at Westminster a Roman hand, which, from the annexed specimen, it was difficult either to counterfeit, or to write distinctly when she wrote in haste; and in her subsequent letters the same excuses repeatedly occur. (Excuses) *moy si j'écris si mal*, car ces lettres que vous voirrez si faulsement inventees, m'ont fait tout envie si malade que je n'avois goute pour escrire si tarde, car le porteur se haste: to Elizabeth, June 22d 1568, Calig. c. 1. Je vous supplie *excuses moy j'écris si mal*, car ayant resceu ces nouvelles, je ne suis pas si a mon ayse que devant, to Elizabeth, Aug. 23. ib. See the Plate No. 2. Je vous supplie *m'excuser si j'écris si mal*, car ma prison me rend plus mal seine et moyens habille a cest office ou a tout autre exercise: to Eliz. Nov. 6th 1569, ib. "Excuse my evill wryting, for I never used it before. I am hasted," and in the postscript, "excuse my evil wryting this first time," to Knolles, Sept. 1, 1568, ib. No such excuses occur in any preceding letters, and these were written about a year after her letters to Bothwell had been produced in the Scottish parliament. But in these letters she excuses her evil writing in the same words as in her long letter from Glasgow, written to Bothwell in haste at midnight, when her

knit us together for ever, for the most faithful couple that e'er he did knit together. This is my faith, I will die in it. Excuse it if I write ill, you must guess the one half I can not do withal, for I am ill at ease, and glad to write unto you when other folke be asleep, seeing that I can not do as they do, according to my desire, that is between your arms, my dear life, who I beseech God to preserve from all ill, and send you good rest, as I go to seek mine, till to-morrow in the morning, that I will end my Bible. But it grieveth me that it should let me from writing unto you of news of myself, much I have to write so *long the same is*. Send me word what you have determined hereupon, that we may know by the one the others mind for marring of any thing. I am weary, and am asleep, and yet I cannot forbear scribbling as long as there is any paper. Cursed be this pocky fellow that troubleth me thus much, for I had a pleasanter matter to discourse unto you but for him. He is not much the worse, but he is ill arrayed. I thought I

hand-writing must have degeperated into a mere scrawl. In all her letters, if the three first lines are regularly formed like Italick print, (as in the Plate, No. 1.) the rest successively deviate into a stragging distorted scrawl, (ibid, No. 2.) and are almost utterly illegible when written in haste; which explains the obscurity and frequent difference of the two versions, as the original was so hastily and badly written, that it was necessary to guess the one half.

⁴³ *That is in your armes, my deare love,*] life, Eng. C'est dan vos bras ma chere vie; in which the supposed indelicacy of the translation disappears; but the whole sentence is peculiarly French. Ma chere vie que, je prie Dieu à garder de tout mal et vous envoyer bon repos, comme je m'en vais chercher le mien jusqu'à demain matin. The queen meant to conclude for the night; and the same conclusion is observable in her letters to Elizabeth and others.

morne, quhen I shall end my Bybill ⁴⁴, but I am fascheit that it stoppies me to write newis of my self unto you, because it is so lang. Advertise me quhat ye have deliberat to do in the matter ye know upon thys point, to the end that we may understand uthers weill, that nothing thairthrough be spilt. I am irkit ⁴⁵ and ganging to sleipe, and yit I cease not to scribe all thys paper, insamickle as restis thairof ⁴⁶. Waryed might this pokkish man be ⁴⁷, that causes me have sa mickle paine: for without him I shold have ane far plesander subject to discours upoun. He is not overmickle diformit, yet he hes received verie mickle ⁴⁸. He hes almaist slayne me with his breth ⁴⁹, it is werse then your uncles, and yet I cum na nearer unto him but in ane chayre at the beds fute ⁵⁰; and he beyng at the uther end thairof.

The massage of the father in the gait.

The purpose ⁵¹ of Sir James Hammeltoun.

⁴⁴ *My Bybill.*] Converted into *bylle* by Goodall, from a misprint of Cecil's or Murray's Diary, in Anderson, ii. 272. Goodall's emendation would only prove what was never disputed, that the present French, professedly a translation from the Latin, is not the original. But in the original MS. the Diary has, "and in this tyme wraytt hir *byble* and utheris letteres to Bothwell," and its concurrence with the Scotch and English translations, assures us that such was the original word. Lord Hailes conjectures that Mary wrote, *mon babil*, my chat; but the more probable interpretation is, that at the end of a strain of piety, she terms the long letter hir bible, from its great length. Chaucer uses the word repeatedly for a large book.

⁴⁵ *I am irkit.*] *Nudata sum* in the Latin, a blunder too gross for Buchanan to commit. As the English translator was not more likely than Wilson, the latin translator, to comprehend the Scotch word *irkit*, his version, "I am weary," must have

should have been killed with his breath, for it is worse than your uncle's breath, and yet I was set no nearer to him than in a chair by his bolster, and he lieth at the further side of the bed.

been derived from the original French ; je suis lasse et m'en vais dormir.

⁴⁶ I cease not to *scribe all thys paper inasmickle as restis thair-off.*] In the English, "as long as there is any paper." Je ne saurois que griffoner autant qu'y reste du papier. Instead of stopping for the night she finishes the sheet, and continues her letter on the paper containing her memorial or notes.

⁴⁷ Waryed *might this pokkish man be.*] Maudit soit ce verolé, qui me cause tant de peine.

⁴⁸ *He is not overmickle deformit, yet he hes received very mickle.*] Il n'est pas trop gâté, (il a le visage gâté de petite vérole) mais il a beaucoup reçu; in the extracts of the Scotch commissioners, "He is not over mickle spilt, yet he hes gotten very mickle;" altered at Westminster from *spilt*, ('spoilt') which was ambiguous or unintelligible, to *deformit*, and from *gotten*, to *receivit*, to accord with the original, which relates rather to the small pox than to poison. "Ill arrayed," in the English version, is explained by the great resemblance then between *r* and *v*, *e* and *t*, from which the translator mistook *rescu* for *vestu* in the queen's hasty scrawl, of which he guessed the one half.

⁴⁹ *He hes almaist slayne me with his breth.*] "I thought I should have been killed with his breath," Engl. Il a pensé me tuer de son haleine, of which Whitaker quotes the translation as proverbial Scotch, i. 228.

⁵⁰ *At the beds fute.*] "By his bolster, Eng. dans la ruelle, probably in the original, the narrow passage between the bed and the wall.

⁵¹ The purpose.] *Le propos*, a French idiom that repeatedly occurs, and of which the English version preserves the sense. "Of the ambassador," in the English version, is omitted in the Scotch, as the allusion perhaps was not understood.

- Of that the lord of Lusse shewd me⁵² of the delay.
- Of the demaundis that he askit⁵³ at Ioachim.
- Of my estait, of my company, of the occasioun of my cumming, and of Joseph.
- Item, the purpois that he and I had together.
- Of the desire that he hes to please me, and of hys repentance.
- Of the interpretatioun of his letter.
- Of Willie Hiegaittis matter of hys departing.
- Of Monseur de Levingstoun⁵⁴.
- I had almost forgot that Monsier de Levingstoun sayd in the lady Reres eare⁵⁵ at suppar, that he wald drink to the folke that I wist of, if I wald plege thame. And eftir suppar he sayd to me quhen I wes lenand upoun hym, warming me at the fyre, ye have fayr going to se sik folk⁵⁶, yit ye can not be sa welcum to thame, as he left sum body this day in regrait, that will nevir be blyth quhill he se you againe. I askit at hym quha that wes: with that he thrustit⁵⁷ my body and sayd, that sum of hys folkes had seen you in fascherie, ye may gesse at the rest. I wrought
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⁵² Of that that *the lord of Lusse* shewd me.] *De ce que le Sieur de Luss m'a montré*, the very stile and form of a French memorandum.

⁵³ *Of the demaundis that he askit.*] A French idiom, *les demandes qu'il fit*. To ask a demand, instead of a question, in the English version, is French not Scotch.

⁵⁴ *Of Monseur de Levingstoun.*] For the Lord Livingston, an incidental mark of the French original.

⁵⁵ Sayd in *the lady Reres eare.*] From dit à l'oreille, the proper French phrase for whispering.

⁵⁶ Fayr going to *se sik folk.*] Which the Latin translator, mistaking *sik* for *sic*, (such) has rendered *bella hujusmodi hominum vistatio*. By an unhappy conjecture, that Buchanan, the supposed translator, had also mistaken *sair* for *fair*, Good-

The message of the father by the way.

The talk of Sir James Hamilton of the ambassador,
That the lord of Lusse hath told me of the delay.

The questions that he asked of Ioachim, of my state,
of my company, and of the cause of my coming, and of
Joseph.

The talk that he and I have had, and of his desire to
please me, of his repentance, and of the interpretation of
his letter, of Will Hiegate's doing, and of his departure,
and of the L. of Livingstoun.

I had forgotten of the L. of Livingstoun, that he at
supper said softly to the lady Reres, that he drank to the
persons I knew of, if I would pledge them. And after supper
he said softly to me, when I was leaning upon him and
warming myself, you may well go and see sick folk, yet can
you not be so welcome unto them, as you have this day
left some body in pain, who shall ne'er be merry till he
hath seen you again. I asked him who it was ; he took me
about the body, and said one of his folk that hath left you
this day. Guess you the rest.

all converts the passage into "sair going to seik folk," (i. 82.)
which Tytler turns into a Scotch proverb, (i. 228.) as if Li-
vingston's address to the queen in a Scotch phrase, could prove
that the letter was in the same language. But the English
version ascertains the original French phrase of which those
writers were ignorant ; *c'est un beau venez y voir des gens ma-
lades*, a familiar expression for a worthless sight.

57 Thurstit my body.] Pressed or embraced her with his arm,
as in the English version, not as Whitaker supposes, (ii. 154.)
punched her with his elbow. "He thirstis her hand agane
full previlie." Pinkert. Anc. Scot. Poems, i. 71. That Li-
vingston did not attend her from Callender, his own house, to
Glasgow, is a gratuitous assertion. Whit. ib.

thys day quhill it wes twa houris upoun thys bracelet, for to put the key of it wythin the lock thereof, quhillk is coupled undirneith with twa cordwinis⁵⁸. I haif had a littil time that it is evill mayd : but I sall make ane fairer in the meane tyme. Take heid that nane that is heir se it, for all the world will knaw it ; because for haist it wes maid in their presence. I am now passand to my faschious purposes⁵⁹. Ye gar me dissemble sa far that I haif horring thairat ; and ye cause me do almost the office of a traitores. Remember how⁶⁰ gif it wer not to obey you, I had rather be deid or I dyd it ; my heart bleides at it. Summa, he will not come with me, except upoun condition that I will promise to him that I sall be at bed and bourde with hym as of befoyr, and that I sall leave him na oftar⁶¹ : and doing thys upoun my worde, he will do all things that I pleis, and cum with me ; bot he has prayit me to remane upoun hym quhill uther morne⁶². He spake verie bravely at the beginning, as thys bearer will schaw you, upoun the purposis of the Inglishmen, and of hys departing : bot in the end he returnit agane to hys humilitie. He schawit amangis uther purposes that he knew weill anewch, that

(⁵⁸ *Quhill it wes twa houris—for to put the key of it wythin the lock thereof, quhillk is coupled with twa cordwines.*] Jusqu'à deux heures pour y mettre la clef dans le trou, (clift, Eng.) qui est attachée par deux cordons ; a French word to be found nowhere else in Scotch.

(⁵⁹ *I am now passand to my faschious purposes.*] Je m'en vais à mon *fascheux propos*, in which, if the words are separately Scotch, the sense and idiom are strictly French. The same phrase occurs in Le Croc's letter on the queen's sickness ; " Je n'ay point voulu escrire à M. le C. de Lorraine de si *fascheux propos*." Keith Append. 133. and in Mary's letter to Elizabeth, qui m'oste le subject de vous escrire d'un si *fascheux stile*. Haynes, 469.

(⁶⁰ *Remember how.*] A misprint for you ; Souvenez-vous. In

This day I have wrote till two of the clock upon this bracelet, to put the key in the clift of it, which is tied with two laces. I have had so little time that it is very ill, but I will make a fairer, and in the meantime take heed that none of those that be here, do see it, for all the world would know it, for I have made it in haste in their presence. I go to my tedious talk. You make me dissemble so much, that I am afraid thereof with horroure, and you make me almost to play the part of a traitor. Remember that if it were not for obeying you, I had rather be dead. My heart bleedeth for it. To be short, he will not come but with condition that I shall promise to be with him as heretofore, at bed and board, and that I shall forsake him no more, and upon my word he would do whatsoever I will, and will come, but he hath prayed me to tarry till after to morrow. He hath spoken at the first more pleasantly, as this bearer shall tell you, upon the matter of the Englishmen and of his departure; but in the end he cometh to his gentleness again. He hath told me, among other talk, that he knew well that my brother had told me at Stirling that which he had said there, whereof he denied the half, and specially that he was in his chamber. But now to make him trust me, I must feign something unto him, and therefore when he desired me to promise that

her letters to Elizabeth, "*Souvenez-vous que j'ay tenu promesses.*" Anderson, iv. 49. *Souvenez-vous que je vous ay dit*, Aug. 13, 1568. Calig. c. i. and in her letters to Norfolk, "I must remember you of your own (herself) at times." Hardwicke State Papers, i. 191.

⁶¹ *Na oftar.*] For, "na eştir" in the extracts of the Scotch commissioners and those obvious mistakes of the English press, are converted by Whitaker into proofs of forgery.

⁶² *Quhill usher morne.*] In the English, "till after to-morrow," *après demain*; Sunday that she remained with the king.

my bruther had schewin me that thing quhilk he had spoken in Strivelling : of the quhilk he denyis the ane half, and above all, that ever he cum in his chamber. For to make him traist me, it behovit me to fayne in sum thingis with him⁶³ : therefoyre quhen he requestit me to promise unto him, that quhen he was hail, we sould haif both ane bed⁶⁴. I sayd to him, fayningly, and making me to beleve his promisis, that gif he changit not purposis⁶⁵ betuix this and that time, I wald be content therewith, bot in the meane tyme I bad him take heid that he let na body wit thereof : because to speike amangis our selfis, the lordis could nat be offendit, nor wyll evill thairfoyr. But they wald feire in respect of the boasting he mayd of tham, that if ever we aggreit togidder, he should make tham know the litil compt they tuke of him : and that he counsallit me not to purches sum of tham by him : thay for thys caus wald be in jelosy, gif attanis⁶⁶ without thayr knowlege, I sould breke the play⁶⁷ set up in the contrair in thayr presence. He sayd very joyfully : And thinke you thay will esteme you the mayr of that : bot I am very glad that you speike to me of the lordis, for I beleve at thys time ye desire that we shold leif togidder in quietnes ; for gif it wer utherwayis, greitter inconvenience might come to us baith than we are ware of : but now I will do quhat evir ye will do, and will lufe all that ye lufe, and desyres you to make tham lufe in like maner ; for sithe they seeke nat my lyfe, I lufe thame al equally. Upoun this poynt this berar will schew you many small thinges⁶⁸. Be-

⁶³ *It behovit me to fayne in sum thingis with him.*] In the English, "I must feign something unto him," each a literal translation of, *Il faut que je lui feigne quelque chose.*

⁶⁴ *That we sould haif both ane bed.*] "*Make but one bed,*" in the English ; *que nous ne ferions qu'un lit*, in which the original idiom can admit of no dispute.

when he should be well, we should make but one bed, I told him (feigning to believe his fair promises) that if he did not change his mind between this time and that, I was contented, so as he would say nothing thereof, for (to tell it between us two) the lords wished no ill to him, but did fear lest, considering the threatening which he made in case we did agree together, he would make them feel the small account they have made of him, and that he would persuade me to pursue some of them, and for this respect, should be in jealousy, if { by and by } without their { at one instant } knowledge I did break the game made to the contrary in their presence. And he said unto me very pleasant and merry, think you that they do the more esteem you therefore? But I am glad that you have talked to me of the lords. I hope that you desire now that we shall live a happy life, for if it were otherwise, it could not be but greater inconvenience should happen to us both than you think. But I will do now whatsoever you will have me do. I will love all those that you shall love, and so as you make them to love me also. For so as they seek not my life, I love them all egally. Therupon I have willed this bearer to tell you many pretty things, for I have too much to write, and it is late, and I trust him upon your word. To be short, he will go any where upon my word. Alas! I never deceived any body, but I remit myself wholly to your will,

⁶⁵ *Making me to beleve—gif he changit not purposis.*] Me faisant croire, s'il ne changoit de propos.

⁶⁶ *Attamis.*] Dans un instant ; which is twice translated "at one instant," and "by and by" interlined in the English version.

⁶⁷ *Breke the play.*] Briser le jeu.

⁶⁸ *Many small things.*] Plusieurs belles choses : pretty things, in the English version.

éaus I haif over mikle to write, and it is lait, I gief traist unto him upon your word. Summa, he will ga upoun my word to all places. Alas, I nevir deceivit any body; but I remit me altogidder to your will⁶⁹. Send me advertisement quhat I sall do⁷⁰, and quhatsoever thing sall come thereof, I sall obey you. Advise to with your self if ye can finde out ony mair secrete inventioun by medicine⁷¹; for he should take medicine and the bath at Craigmillar. He may not cum forth of the house this lang time⁷². Summa, by all that I can lerne, he is in greit suspicioun; and yit, notwithstanding, he geives credeit to my word; bot yit not so farre that he will schiew any thing to me. Bot, nevirthelesse, I sall draw it out of him, gif ye will that I avow all unto him. But I will never rejoyce to difame (dissave) any body that trustis in me; yit, notwithstanding, ye may command me in all things. Have no

⁶⁹ *I remit me altogidder to your will.*] *Je m'en rapporte à votre volonté*, of which the reflected verb is preserved in the translation.

⁷⁰ *Quhat I sall do.*] Whether to carry the king to Craigmiller, or to the Kirk of Field.

⁷¹ *By medicine.*] Explained by Goodall, i. 327. *without medicine*, for which he quotes a MS. of the Latin Detection, in which it was translated, *medicinam quam per*, as in the French translation, *que par breuvage*. The only known copy of the Detection written before the publication of the Latin edition, is Caligula, D. i.; but the passage in question was obliterated by the fire in the Cotton Library, October 23, 1731, above twenty years before Goodall published. From the context, and from the English version, "it is obvious that some more secret invention by medicine, for he *should take* medicine and the bath at Craigmillar," can no more signify *without medicine*, (than which there was nothing more secret to be found,) than *by sea*, in Beton's letter, (No. X.) that Bastian returned from,

and send me word what I shall do, and whatsoever happen to me, I will obey you. Think also if you will not find some invention more secret by physick, for he is to take physick at Craigmillar, and the bath also, and shall not come forth of long time. To be short, for that I can learn, he hath great suspicion, and yet, nevertheless, trusteth upon my word, but not tell me as yet any thing; howbeit, if you will that I shall *avow* him, I will know all of him, but I shall never be willing to beguile one who putteth his trust in me. Nevertheless, you may do all, and do

France by land. To obviate the imputation of poison, Goodall quotes and describes the MS. as the identical copy presented to Elizabeth, yet he durst not specify where it was lodged.

The Detectio Mariæ Caligula, D. I., uniformly describes Murray, *qu nunc est prorex*, which was altered in the Latin edition to *prorex postea fuit*, and in one place to *postea prorex, nunc et ipse occisus est*. The interlineations are in a different hand from the text; and the running margin is different from both; nor are the corrections always observed in the printed edition. The Action and Letters are annexed in the same hand, which might at first seem to indicate, that the whole was Buchanan's. But the Action contains no note of time, to ascertain whether it was written before, or after Murray's death; whom the MS. of the Detection never mentions, without the addition, *qui nunc est prorex*, as then alive. As every such allusion is avoided in the Action, I conclude that the MS. in question was a fair copy, corrected and submitted to Cecil by Wilson, before his autograph was sent to the press. As a farther confirmation, the title of the Action is superinduced upon the margin, and the title of the Letters is left blank, to be supplied, together with the running margin of the Action and Letters, when sent to the press.

⁷² *He may not cum forth of the house this lang time.*] Il ne peut pas sortir du logis de long tems.

evill opinion of me for that caus, by reason ye are the occasion of it your selfe, because for my awin particular revenge I wald not do it to him. He geves me sum checkes of that quhilk I fearit yea even in the quicke⁷³, he sayis thys far, that his faultis were publeist, bot thare is that committes faultis that beleves thay wil nevir be spoken of, and yit thay will speike of greit and small. As towart the lady Reres, he sayd, I pray God that sche may serve you for your honor. And sayd, it is thought, and he beleves it to be trew, that I haif not the power of myselfe unto myselfe⁷⁴, and that because of the refuse I maid⁷⁵ of his offeris. Summa, for certaintie he suspects of the thing ye know, and of hys lyif⁷⁶. But as to the last, how sone that I spake two or thre gude wordis unto hym, he rejoicis and is out of dout. I saw him not this evening, for to end your bracelet, to the quhilke I can get no lokkis, ⁷⁷, it is reddy to tham, and yet I feare that it will bring some malheur, and may be seene

⁷³ *He geves me sum checkes—yea even in the quicke.*] In the English version, “He giveth me *certain charges*, and these strong;” a different translation of the same word and phrase, *il m’a donné quelque atteintes, oui jusqu’au vif*; which Tytler has also transmuted into a Scotch proverb.

⁷⁴ *That I haife not the power of myselfe unto myselfe.*] *Que je n’ay pas dans moi-même, de moi-même*; a French phrase, of which the Scotch and English are harsh translations.

⁷⁵ *The refuse I maid.*] *Le refus que je fis.*

⁷⁶ *Summa, for certaintie he suspects of the thing ye know, and of hys lyif.*] *Somme, pour certain il (la) soupçonne de ce que vous savez, et de sa vie.*

⁷⁷ *Lokkis.*] *Clasps*, Engl. *Agraffes*, which the Scotch translator mistook for locks. But the English version removes the

not esteem me the less therefore, for you are the cause thereof. For, for my own revenge, I would not do it. He giveth me certain charges, (and these strong) of that that I fear, even to say that his faults be published, but there be that commit some secret faults, and fear not to have them spoken of so lowdely, and that there is speech of greate and small, and even touching the lady Reres, he said God grant that she serve you to your honor, and that any may not think, nor he neither, that mine own power was not in myself, seeing I did refuse his offers. To conclude, for assuerty he mistrusteth her of that that ye know, and for his life. But in the end, after I had spoken two or three good words to him, he was very merry and glad. I have not seen him this night for ending your bracelet, but I can find no clasps for it, it is ready thereunto, and yet I fear lest it should bring you ill hap, or that it should be known if you were hurt; send me word whether you will have it, and more money, and when I shall return, and how far I may speak. Now as far as I perceive { j'ay bien la vogue avec vous
I may do much without you. Gesse you whither I shall not be suspected. As for the rest, he is mad when he hears of Ledinton, and of you, and my brother. Of your brother he sayeth nothing,

parent contradiction in the Scotch, that the queen could find *na lokkis*, when in a former passage, she had wrought till *sava hours* to put the key within the lock or cleft; *dans la trou*. The bracelet, I suppose, had an ornamental or false lock and key, but was fastened beneath with two cords, instead of clasps, which she could not procure at Glasgow. In reverting to that circumstance, she asks Bothwell whether he would have the bracelet, which she forbore to send in that unfinished state; but having promised to make *ane fairer*, she afterwards sent both by Paris upon her return to Linlithgow. Paris's Second Confession.

if ye chance to be hurt⁷⁸. Advvertise me if ye will have it, and if ye will have mair silver, and quhen I shall retorne, and how far I may speake⁷⁹. He inragis⁸⁰ quhen he hearis of Lethington, or of you, or of my brother. Of your brother he speikis nathyng⁸¹, he speiks of the Erle of Argyle. I am in feir quhen I heare him speike; for he assuris himself that he hes not ane evill opinioun of him. He speikes nathing of tham that is out⁸², nouthir gude nor evill, but fleis that point. His fader kepis his chamber, I haif not seene him. All the Hammiltonis ar heir, that accompanies me verie honorably⁸³. All the frendis of the uthir conveyis me quhen I gang to se him. He desirisme to come, and see him ryse the morne betime. For to make

⁷⁸ Some malheur, and may be seene if ye chance to be hurt.] *Quelque malheur.* It is certain from the dress and pictures of the age, that bracelets were never worn by men; nor was Bothwell's bracelet intended to be seen. But we discover incidentally, from Birrel's Diary, that in his rencounter with the thief in Liddesdale, he was *deidly wounded in the hand* in the October preceding; from Paris's First Confession, that he required his assistance, *le détacher*, to untruss his points, within a fortnight after this letter was written; and from Hepburn's Confession, that in returning to the palace after the murder, he was afraid to leap a broken part of the town wall, *because of his sair hand*. The queen therefore, who sent the bracelet for to be worn, either as a secret favour, or for fastening the bandage of his *sair hand*, was afraid that it might be seen and known, if his maimed hand should receive any hurt. An apprehension at first sight so apparently groundless, bestows additional confirmation on the letters when explained.

⁷⁹ And how far I may speake.] Referring to a former passage, that she would draw all out of him, "gif ye will that I avow all unto him." But a whole sentence is added in the English version, with a part of the original French interlined.

but of the Earl of Argyle he doth; I am afraid of him to hear him talk, at the least he assureth himself that he hath no ill opinion of him. He speaketh nothing of these abroad, neither good nor ill, but avoideth speaking of them: His father keeping his chamber I have not seen him. All the Hamiltons be here, who accompany me very honestly. All the friends of the others do come always when I go to visit him. He hath sent to me, and prayeth me to see him rise to morrow in the morning early. To be short, this bearer shall disclose unto you the rest,

"Now as far as I can perceive, *j'ay bien la vogue avec vous*;" not that *she could do much without him*; but, I am in such vogue with you, guess you therefore whether I shall not be suspected; if she should speak any farther of Bothewll, in order to draw from her husband his suspicions or designs. "As to the rest," in the next sentence, limits her question how far she might speak, to her apprehension of being suspected if she spoke farther of Bothwell; and where the whole sentence is omitted in the Scotch as unintelligible, the original French phrase, interlined as of doubtful import, and actually misunderstood, in the English version, affords the most incontestible proofs of the French original.

⁸⁰ *He inragis.*] Il enrage.

⁸¹ *Of your brother he speikis naything.*] De votre frere il ne dit rien; of which the inversion is peculiarly French.

⁸² *Them that is out.*] Qu'ils sont au dehors; though particularly applicable to George Douglas, Darnley's uncle, excluded from the indemnity, it may allude in general to Morton and his associates, who were still prohibited to approach within seven miles of the court.

⁸³ *Verie honorablie.*] In the English version, "very honestly," (*très honnêtement*) both derived from the same original.

Huntley.

Bothwell's
owne wife.

schort, this berar will tell you the rest. And if I learne any thing heir, I wyll make you memoriall at evin ⁸⁴. He wyll tell you the occasioun of my remaining. Burne this letter, for it is ovir dangerous, and na thing well sayd in it: for I am thinkand upoun nathing but fascherie ⁸⁵. If you be in Edinbūrg, at the receit of it, send me worde sone ⁸⁶. Be not offendit, for I geif not ovir greit credeit. Now seying to obey you, my deir lufe, I spare nouthor honor, conscience, hasarde, nor greitnes quhatsumevir, take it, I pray you, in gude pairt: and not eftir the interpretation of your false gude brother: to quhome I pray you gyif na credit, aganis the maist faithfull luffar that evir ye had, or evir sall haif. Se nat hir quhaies faynit teares should nat be sa mickle praysit nor esteemit, as the trew and faythfull travail, quhilke I sustayne for to merit hir place. For obtayning of the quhilke aganis my naturall ⁸⁷, I betrayis thame that may impesche me. God for-

⁸⁴ *I wyll make you memorial at evin.*] Je. vous ferai memoire au soir. Memoir and memorial are notes for remembrance; *faire memoire*, to take notes.

⁸⁵ *Nothing but fascherie.*] Fash and fashious, (troublesome) are common in Scotch, but the French word *fâcherie* (grief, vexation) was seldom or never used.

⁸⁶ *Send me word sone.*] Whether to carry the king to Edinburgh, or to Craigmiller.

⁸⁷ *For detayning of the quhilke against my naturall.*] Pour l'obtenir contre mon naturel; a French word retained in the translation. To appropriate the word indisputably to Mary, she writes in her subsequent letters to Elizabeth, "Avant que votre bon naturel s'est commencé à faire paroître," Haynes, 469. "Or, votre honneur, promesse, bon naturel, cœur de lion, et auctorité parle pour moi." August 3d, 1568, Calig. C. 1. "Laquelle sentant plus de defiance que je n'en veulx avoir de votre

and if I learn any thing, I will make every night a memorial thereof. He shall tell you the cause of my stay. Burn this letter, for it is too dangerous, neither is there any thing well said in it, for I think upon nothing but upon grief if you be at Edinburgh.

Now if to please you, my dear life, I spare neither honor, conscience, nor hazard, nor greatness, take it in good part, and not according to the interpretation of your false brother in law, to whom I pray you give no credit against the most faithfull lover that ever you had or shall have. See not also her whose feigned tears you ought not more to regard than the true travails which I endure to deserve her place, for obtaining of which, against my own nature I do betray those that could lett me. God forgive me, and give you, my only friend, the good luck and prosperity that your humble and faithfull lover doth wish unto you, who hopeth shortly to be another thing unto you, for the reward of my pains. I have not made one word, and it is very late, although I should never be weary in writing to you, yet will I end, after kissing of your hands. Excuse my

bon naturel," Sep. 1st, ib. "Et plus votre honneur et *bon naturel* feront forces de paroître," Sep. 24, *ibid*. And again in her celebrated letter on Elizabeth's amours, "Cognoissant le *na'urel* de la comptess." Murdin, 558. The same word occurs in Murray's answer to a letter from Mary, August 7, 1568. "I have ressavit your hienes letter the soume quhairroff consists chieffie in the accusation of my unthankfulness and *evil natural*." Anderson, iv. 117. But his *evil natural* is evidently the French phrase, *son mauvais naturel* (*un homme d'un bon, d'un mauvais naturel*) retorted from her own letter as an opprobrious epithet; and there the same process of translation was necessary, as in her letter to Bothwell, to introduce the word into Scotch.

gyif me, and God gyif you my onely lufe the hap and prosperitie, quhilk your humble and faythfull luif desiris unto you⁸⁸, quha hopis to be shortlie ane uther thyng to you, for the rewart of my irksom travellis. It is lait, I desire nevir to ceisse fra writyng unto you, yit now after the kissing of your hands I wil end my letter. Excuse my evill writing, and read it twice over. Excuse that thing that is scribed; for I had no paper yesterday, quhen I wrait that of the memoriall. Remember upon you luif⁸⁹, and write unto hyr, and that verie oft. Love mè as I sal do you. Remember you of the purpos of the lady Reres.

Of the Inglismen.

Of his moder.

Of the Erle of Argile.

Of the Erle Bothvile.

Of the lugeing in Edinbrough⁹⁰.

⁸⁸ *Qubilk your—luif desiris unto you.*] Que votre amante vous *désire*. To desire prosperity to one, (je vous *désire* toute sorte des prospérités (Dict de l'Acad.) is peculiarly French.

⁸⁹ Remember *upon your luif.*] *Souvenez vous* de votre amie. *Souvenez vous* du propos de Madame Reres; phrases harsh in Scotch.

⁹⁰ Remember you—*of the lugeing in Edinbrough.*] *Souvenez vous*, in the common stile of a French memorandum, may be addressed either to herself or to Bothwell, which renders it doubtful whether the second series of notes be the memorandums of Friday, and as such omitted in the English version, or the credit given to the bearer as the Scottish commissioners supposed in their extracts. They may be traced, all but one ("of his mother," a forgotten topic) in the postscript or second part of the letter, containing "the purpose (or the king's conversation) of the lady Reres; of the Englishmen; of the Earl of Argyle; of the Earl Both-

evil writing, and read it over twice. Excuse also that I scribbled, for I had yesternight no paper, when I took the paper of a memorial. Pray remember your friend, and write unto her, and often; love me always as I shall love you.

well; of the lodging in Edinburgh," which is twice implied; but of these topics, the first and last may be found also in her verbal instructions to Paris; (Second Confession;) the second is referred to the bearer in the letter itself; and Bothwell's name in the third person, is the only certain indication that these were memorandums, like those in the middle, for the queen's own use,

LETTER II.

A Letter written by hir from Glasgow to Bothwell, proving hir hate to hir husband, and some suspicions of practising hys death, quhilk letter was written in French, and here ensueth translatit word for word.

Il semble qu' avecques vostre absence soit joynt l'oubly, veu qu'au partir vous me promistes de vos nouvelles. Et toutesfoys je n'en puis apprendre, &c.

IT appearis that with your absence there is alswa joint forgetfulnes, seand that at your departing you promisit to make me advertisement of your newis from tyme to tyme. The awaytyng upon tham yesterday¹ causit me to be almaist in sic joy as I will be at your returning, quhilk ye have delayit langer then your promise was². As to me, howbeit, I have na further newis from you, according to

¹ *The awaytyng upon tham yesterday.*] En les attendant hier, (expecting to hear from him) an appropriate French phrase, of which, the *awaaiting npon news*, is a literal and harsh translation.

² *Causit me to be in almaist sic joy as I will be at your returning, quhilk (news) ye have delayit langer then your promise was.*] En les attendant hier me causerent presqu' autant de joie que j'en aurai à votre retour, *que* vous avez *différées* plus long tems que votre promesse. Here the peculiar construction of the French participle, *vous me promistes de vos nouvelles—en les attendant—que vous avez différées*, at once removes the ambiguity of the translations. Bothwell had promised, not to return, but to let her hear from him yesterday, which he had deferred longer than his promise was; and, to authenticate the letters, the obvious meaning of the passage, can be expressed literally in no other than in the original language. See Vol. I. p. 290.

my commissioun³, I bryng the man with me to Craigmillar upon Monday, quhair he wil be all Wednesday, and I will gang to Edinburgh to draw blude of me⁴, gif in the meane tyme I get na newes in the contrarie fra you. He is mair gay then evir⁵ ye saw him, he puttis me in remembrance of all thyngis that may make me beleve he luffis me. Summa ye will say that he makis love to me⁶; of the quhilk I take sa greit plesure, that I entir nevir quhair he is, but incontinent I take the seiknes of my sore side, I am sa troublit with it⁷. Gif Pareis bryngis me that quhilke I

³ *Accordyng to my commissioun.*] Suivant ma commission; her instructions or orders since she has heard no farther; quoique je n'aye plus de nouvelles, from Bothwell.

⁴ *To draw blude of me.*] For the pain in her side; and this passage, no doubt, led the English translator to mistake *signer* for *saigner*, in the first letter.

⁵ *Mair gay then evir.*] Plus gai que jamais. Darnley, hitherto confined to bed, had desired her last night, "to come and see him rise the morn betyme," (le voir se lever demain;) and she describes his health and gaiety that morning to Bothwell. All this is inconsistent, says Whitaker, with his being still so weak as to be conveyed in a litter to Edinburgh; as if gaiety were incompatible with his convalescence, and unexpected reconciliation with the queen, his wife.

⁶ *Makis love to me.*] In the extracts of the Scotch commissioners, "he makes the court to me;" a literal translation of the French phrase, *faire la court*, altered to, "makes love to me," in the interval between the Latin translation (me cum summa observantia ambiat et colat) and the press.

⁷ *Of the quhilk I take sa greit plesure, that I entir nevir quhair he is, but incontinent I take the seiknes of my sore side, I am sa troublit with it.*] *Dont je prend tant de plaisir que je n'entre jamais où il est, qu'incontinent j'ai mal au côté; j'en suis si fachée, with the court he paid.* To accommodate the sense to the English reader, "makes the court" in the extracts, was

send hym for^o, I trust it sall amend me. I pray you advertise me of your newes at length^o, and what I sall do, in

altered, "to makes love;" "faschit," to "troublier;" but from those alterations, to demonstrate the forgery of the original, with which the translation was expressly collated and made to accord, will require new arguments, and new intellects to comprehend their force.

^o That quhilk I send hym for.] She intimates that she would come to Edinburgh on Wednesday to let blood, without assigning the cause to Bothwell, to whom her complaint was known. She informs him, however, ironically, that she enters never where her husband is but the pain recurs; and expects to be amended if Paris brings what she sends him for; evidently some medicine to relieve the pain in her side, which her long letter and late watching the preceding night, were sufficient to produce. All this, however natural, and sufficient to appropriate the letters to Mary, might have occurred, it is said, to the forgers, who must have known her habitual complaints. Tytler, i. 263. Whitaker, ii. 246. But the only preceding intimation of her complaint, is in Le Croc's letter, to whom she complained at the baptism, "Que son côté lui faisoit grand mal:" (Goodall's MSS.) the next is after the conferences in England, when the letters were produced. Haynes, 510. In a subsequent letter to Norfolk, "I have taken *some medicine* this day, and have a little access of an ague, *through the pain of my side*, wherefore I will pray you to excuse me that I write not at more length." Murdin, 158. The coincidence between this, and her letter to Bothwell, is something more than fortuitous; as that which was natural and unavoidable to Mary when the pain was actually present, was the last circumstance likely to occur to the forgers, at the distance of many months, when her complaints were forgotten. But the fortuitous coincidence of the supposed forgery, both in the disease and in the medicine, with a genuine letter of a subsequent date, would be surprising indeed.

^o Of your newes at length.] De vos nouvelles au long; let me hear from you at length.

case ye be not returnit quhen I am come thare, for in case ye work not wislie I see that the hale burdyng of this will fall upon my shoulders. Provide for all thing, and dicours upon it first with your selfe ¹⁰. I send this by Betoun, quha gais to ane day of law of the lard of Balfouris. I will say na further, sauffyng that I pray you to send me gude newes of your voyage ¹¹. From Glascow this Saturday in the mornynge.

LETTER III.

An other letter to Bothwell of her love to him.

J'ay veillé plus tard la haut que ie n'eusse fait, si ce n'eust esté pour tirer ce que ce porteur vous dira, que ie treuve la plus belle commodité pour excuser vostre affaire qui ce pourroit presenter, &c.

I have wakit laiter thairup then I wald have done, if it had nat bene to draw sum thyng out of hym, quhilke this bearer will shew you, quhilke is the fayrest commoditie that can be offerit to excuse your affairs. I have pro-

¹⁰ *Provide for all things, and discours upon it first with your selfe.*] Pourvoyez à tout et d'abord discourez vous même sur cela; in the extracts of the Scottish commissioners, "discourse upon it first yourself." *Discourir* signified formerly not only to discourse, but to peruse, examine, search, survey; *un discours*, a survey, examination, pondering of things in the mind; (Cotgrave.) and the French idiom, "discourse upon (examine, consider) it first yourself," was altered at Westminster, to discourse upon it first *with* yourself, as less unintelligible in English.

¹¹ *Sauffyng that I pray you to send me gude newes of your voyage.*] *Sauf que*, je vous prie de m'envoyer de bonnes nouvelles de votre voyage; let me hear the success of your voyage, in the French acceptation of voyage for journey.

misit to bring him to him the morne. Put order unto it if ye finde it gude¹. Now, syr, I have broken my promise because ye commaundit me nouthir to write nor send unto you: yit I haif not done this to offend you. And if ye knew the feire that I haif presently², ye wald not haif sa many contrairie suspiciounis in your thought³, quhilk notwithstanding I treate and cherish as procedyng fro the thing in the world that I maist desier⁴, and sekis fastest to haif, quhilk is your gude grace⁵. Of the quhilk my be-

¹ Put order to it if ye find it gude.] *Mettez y ordre si vous trouvez bon.* To put order to a thing is indisputably French. In Mary's letter to Elizabeth, Aug. 23, "*Mettre tel ordre que je puisse,*" 1568. Cal. C. 1. and in Bothwell's message by Paris, to the queen at Glasgow, "*Monsieur Jaque Balfour et moi n'avons dormis toute la nuict, nous avons mis ordre en toute, et avons appreste le logis.*" Paris's Second Confession.

² The feire that I haif presently.] *La peur que j'ay à présent.*

³ So many contrarie suspiciounis in your thoughts.] *Tant de soupçons contraires en pensée.*

⁴ The thing in the world that I maist desier.] *La chose du monde que je désire le plus, et que je cherche le plus surement à avoir;* and the same phrase is repeated twice in a letter to Elizabeth, Aug. 26, 1568. "*Je vous jure devant Dieu, que je ne sçai chose du monde de leur venue.*" "*Je vous assure que votre amitié qu'il vous plait m'offrir, sera reçue avant toutes les choses du monde.*" Calig. C. 1.

⁵ Quhilk is your gude grace.] *Votre bonne grace.* To obtain, stand well, or to be in one's good *graces*, is the English, to *desire* one's good *grace*, is the French idiom; to be found in the same letter to Elizabeth; "*Ma bonne sœur n'entrez en jalousie pour faulx rapports de celle qui ne désire que votre bonne grace.*" Ibid. In an early letter to her mother, Mary offers, "*très humbles recommandations à votre bonne grace.*" (Adv. Lib.) And Bothwell desires Paris on his return to Glasgow, "*me recommandez à sa bonne grace.*" In the same strain of

haviour shall assure me : as to me I shall nevir dispayr of it. And prayis you according to your promeis to discharge your heart unto me⁶: otherwayis I will think that my malheur and the gude handlyng of hir⁷ that hes⁸ not the thirde pairt of the faythfull nor willing obedience unto you that I beir⁸, hes wonne aganis my will that avauntage over me, quhilke the second love of Jason wan. Not that I will compare you to ane sa unhappy as he was, nor yit my selfe to ane sa unpitiful a woman⁹ as sché. Howbeit, ye caus me to be sumquhat like unto hyr in any thing that touchis you, or that may preserve and keip you unto hir, to quhome onely ye appertaine¹⁰: if it bè sa that I may appropriate that quhilke is wonne through faythfull yea

gallantry, Mary desires only his *good grace*, his affection or love; la chose du monde qu'elle désire le plus.

⁶ And prayis you—to discharge your heart unto me.] Je vous prie de me décharger votre cœur; a French idiom that occurs repeatedly in Mary's letters. "J'ay beaucoup de choses de quoi je me *déchargerois* volontiers le cœur à vous de bouche, à notre avantage commune;" to Elizabeth, Aug. 13, 1568. Calig. C. 1. "Il faut que j'employe si peu de vie et de force qui me reste, pour devant ma mort, vous décharger plainement mon cœur de mes justes et lamentables plaintes." Tytler, ii. 418. To discharge the conscience is an English phrase, but to discharge the heart to another, is altogether French.

⁷ *The gude handling of hir.*] Altered from the *gude composing* (bon maintien) in the extracts of the Scotch commissioners. *Infra*.

⁸ *That hes not the thirde pairt of the faythfull nor willing obedience unto you that I beir.*] Qui n'a point la troisième partie de l'*obéissance fidelle*, ni de la volonté que je vous *porte*. To bear obedience to one is a French idiom.

⁹ *To ane sa unpitiful a woman.*] A une femme si impitoyable.

¹⁰ *To quhom onely ye appertaine.*] A laquelle seule vous appartenez.

each luffing of you, as I do and sall do all the days of my lyfe, for payne or evill that can cume thairtof. In recompense of the quhilk, and of all the evils quhilk ye have ben cause of to me, remember you upon the place heir beside¹¹. I crave with that ye keepe promise to me the morne¹², but that we may meit together¹³, and that ye geve na fayth to suspicious without the certaintie of thaim. And I crave na other thyng at God, but that ye may know that thyng that is in my hart, quhilke is yours¹⁴, and that he may preserve you from all evill, at the least sa lang as I have life, quhilk I repute not precious unto me, except in so farre as it and I baith, are agreeabill unto you. I am going to bed, and will bid you gude night. Advetise me tymely in the mornying how ye have faren, for I will be in

¹¹ In recompense of the quhilk, and of all the evils quhilk ye have ben cause of to me, remember you upon the place heir beside.] *En récompense de cela et des tous les maux donc vous m'avez été cause, souvenez-vous de la place ici près*; translated literally, *heir beside*, and she reminds Bothwell again, *souvenez-vous*, a frequent expression, of the plan announced in the beginning of her letter, to bring lord Robert in the morning to the king's chamber.

¹² I crave with that ye keepe promise to me the morne.] Je demande avec (cela) que vous me teniez promesse demain; as in her letter to Elizabeth, "Souvenez-vous que j'ay tenuis promesse," Anderson, iv. 49.

¹³ But that we may meit together.] Literally from, *si ce n'étoit que nous nous trouverions ensemble*. "But that" renders the whole sentence, "I crave also that you keep your promise to-morrow, if it were only that we should meet together," unintelligible in English.

¹⁴ And I craif na uther thyng at God, but that ye may know that thyng that is in my hart, quhilke is yours.] Je ne demande autre chose à Dieu, que vous ne sachiez la chose qui est dans mon cœur, qui est le votre.

payne unto I get word. Make gude watch ¹⁶ if the bird
eschaip out of the cage or without hir mate, as the turtur
I shall remayne alone for to lament the absence how schort
that soever it be.¹⁷ This letter will do with a gude

¹⁶ *Make gude watch.*] Instead of our vernacular idiom, to
keep a good watch. Lord Robert's intimation had made her
afraid of her husband's escape, of which she advertises Both-
well, *faites bonne garde, si l'oiseau s'échappé de la cage.*

¹⁷ *Or without hir mate, as the turtur I shall remayne alone for
to lament the absence how short that soever it be.*] Ou sans com-
pagnie, comme la tourterelle, je demeurerai seule pour *lamenter
l'absence*, toute courte qu'elle soit. This poetical conceit,
which her husband's escape from the cage, suggested to
Mary, in despite of the sense, is derived immediately from a
sonnet of Ronsard's, where we find the very words employed
in the letter to Bothwell.

Que dis-tu, que fais-tu, pensive *tourterelle*,
Dessus cet arbre sec?—T. Viateur, je *lamente*.

Pourquoy lamente-tu?—T. Pour ma *compagne absente*,
Dont je meurs de douleur. Ronsard's Amours, ii. 62.

Ronsard's sonnet, of which the original may be found in
Joannes Secundus (Sic gemit *arenti* viduatus ab *arbore turtur*)
was imitated in a Scottish poem, entitled a Song in Absence,
which has been erroneously ascribed to James I. but which
belongs to a period even later than the present.

Evin as men may the *turtill* trew persaeif,
Once having lost *hir feir*,
On the *dry brainche* ay faithfull to the graif,
Betwayling perseveir:

So my desyre,

Kindlit in fyre,

Dois soir *lament*

My huf absent.

O, God, gif amour be ane paine to beir!

Pinkerton's Anc. Scot. Poems, ii. 215. Sibbald's Chron. i. 56.

hart¹⁸, that thyng quhilk I can not do my selfe¹⁹, if it be not that I have feare that ye are in sleeping²⁰. I durst not write this befoire Joseph, Bastian and Joachim, that did but depart evin quhen I began to write.²¹

This, however, is also derived from an intermediate imitation of Ronsard, in Lodge's *Rosalynde*, 1592.

*A turtle sat upon a leaveless tree,
Mourning her absent phere
With sad and sorry cheere ;
And whilst her plumes she rents,
And for her love laments, &c.*

Spencer has a sonnet on the same subject ; but how superior to these conceits is Shakspeare's natural and pathetick application of the simile to Paulina, in the *Winter's Tale*.

I, an old turtle,
Will wing me to some *withered bough*, and there
My mate, that's never to be found again,
Lament till I am lost.

Act V. Sc. vii. See Malone's note.

And nothing can authenticate the Queen's letters more strongly than the explanation of those passages which are unintelligible in themselves, till we discover their secret allusion to the thoughts and words of her favourite poet.

¹⁸ *With a gude hart.*] Un bon cœur ; willingly, of which the Latin translator perceived, and has preserved the sense of the original idiom. *Hæc pistola libenter faciet.*

¹⁹ *That thyng quhilk I can not do myself.*] Ce que je ne saurois faire moi-même ; instigate lord Robert to commit the murder.

²⁰ If it be not *that* I have fear *that ye are* in sleeping.] *Si ce n'est que j'aye peur que vous ne soyez endormi*, in its figurative sense ; d'un homme endormi ; slow or negligent.

²¹ *That did but depart even quhen I began to write.*] Qui venoient de partir que je commençai à écrire.

LETTER IV.

*An other letter to Bothwell concernyng the departure of
Margarate Carwood, quho was privie and a helper
of all thair love.*

*Mon cœur belas ! fault il que la follie d'une femme, dont vous
cognoissez assez l'ingratitude vers moy, soit cause de vous donner
desplaisir. &c.*

MY hart, alas, must the follie of a woman, quhose un-
thankfulnes toward me you do sufficiently know, be occa-
sioun of displeasure unto you? consideryng that I could
nat have remedyt thairunto without knowyng it¹. And
since that I perceavit it², I could nat tell it you, for that I

¹ *Consydering that I could nat have remedyt thairunto without
knowyng it.]* Vu que je ne saurois y remédier sans le savoir.

² *And since that I perceavit it.]* Et depuis que je l'ai apperçu ;
supposed to allude to Margaret Carwood's proving with child
to Sebastian; then a crime the most offensive to the reformers.
The queen's apothecary, and one of her maids of honour, had
been executed for child murder in December 1563. A *shame*
haited marriage had been patched up for another of her *Marys*,
or maids of honour; and Knox and Buchanan inveigh loudly
against the dissolute licentiousness of her court. Knox, 345.
Buchanan, 330. These writers durst not have contradicted
the public opinion, had Mary's court been as chaste and cor-
rect as Elizabeth's, of which no such report was ever uttered
among the papists themselves; if we except Mary's lewd and
malignant letter to Elizabeth on lady Shrewsbury's supposed
information concerning her pretended amours, (Murdin, 558.)
and Whitaker's lewder comment upon the impenetrable
virginity of the maiden queen. ii. 502.—11.—15.

knew nat how to governe my selfe thairin. For nouth-
 er in that, nor in any uther thyng, will I take upon me to do
 any thyng without knowledge of your will. Quhilk I be-
 sech you let me understand, for I will follow it all my lyfe,
 mair willingly then you shall declare it to me. And if
 you do nat send me word this night what you will that I
 shall do, I will ridde myself of it, and hasard to cause it
 to be enterprisit and taken in hand³. Quhilk might be
 hurtfull to that quhairunto both we do tend. And when
 she shall be maried, I besech you give me one, or els I will
 take sic as shall content you for their conditions, but as for
 thair tongues or faithfulness towart you, I will nat auns-
 were. I besech you that an opinioun of uther per-
 soun, be nat hurtfull in your minde to my constancie. Mis-
 trust me, but quhen I will put you out of doubt, and clere
 my selfe. Refuse it nat my dere life, and suffer me to
 make you some profe by my obedience, my faithfulness,
 constancie, and voluntarie subjection, quhilke I take for
 the pleasantest gude that I might receave, if you will ac-
 cept it, and make no ceremony at it, for you could do me
 na greater outrage, nor give mair mortall greefe.

³ Alluding to the celebration of the marriage, which imme-
 diately succeeds. I forbear to comment upon this letter, as I
 have still some hopes of obtaining two copies in *French* and
English, which, as appears from Anderson's MSS. are both
 extant in the State Paper office, and in the same volume with
 the English version of the long letter from Glasgow.

LETTER V.

An other letter sent from Stereline to Bothwell concerning the practise for hir ravishment.

Monsieur *belas, pourquoy est vostre fiance mise en persone si indigne, pour soupçonner ce que est entierement vostre. J'enrage, vous m'aviez promis. &c.*

ALAS, my lord, why is your trust put in a person so unworthy, to mistrust that which is wholly yours? I am woodde. You had promisit me that you would resolve all¹, and that you would send me word every day² quhat I should doe, you have done nothing thair of³. I advertisit you well⁴ to take heede of your false brother in law: he came to me, and without shewing me any thing from you, told me that you had willit him to write to you that that I

¹ *That you would resolve all.*] A French idiom, *que vous resoudriez tout*; not to resolve all difficulties when there were none to resolve, (Whitaker, ii. 326.) but to determine the whole plan for the seizure of her person.

² *Every day.*] *Tous les jours*, at all times, upon every occasion, of which the literal translation, *every day*, perplexes Whitaker, as she arrived on Monday, and leaving Stirling on Wednesday, had little more than two nights and a day to hear from Bothwell every day.

³ *You have done nothing thair of.*] *Vous n'enavez rien fait.*

⁴ *I advertiit you well.*] *Je vous ai bien averti.*

should say ⁵, and quhaire and quhan ⁶ you should cum to me, and that that you should do touchand hym, and thereuppon hath preachit unto me that it was a foolishe enterprise⁷, and that with mine honour I could never marry you, seing that being maryed you did carry me away ⁸, and that his folkes would not suffer it, and that the lordis would unsay themselfis ⁹, and would deny that thay had sayd. To be short, he is all contrary ¹⁰. I told hym, that seing I was cum sa farre, if you did not withdraw your selfe of your

⁵ That that *I should say.*] *Ce que je dirois.* The uniform repetition of *that that*, from *ce que*, "*that that I should say*," "*that that you should do*," is alone sufficient to demonstrate a servile translation from the French.

⁶ *Quhaire and quhan.*] Où et quand; the French, instead of the Scotch arrangement, *when and where*; as in the sixth letter "of the place and of the time," *du lieu et de l'heure*, in the initial sentence.

⁷ *And thereuppon hath preachit unto me that it was a foolishe enterprise.*] Et sur cela *ma prêchée* que c'étoit une *folle entreprise*; and in Paris's First Confession, *tu veulx prescher*; supposed by Whitaker to possess a peculiar spirit and pertness in the translation, ii. 331. as if there were no such phrase in French.

⁸ *And that with mine honour I could never marry you, seing being maryed you did carry me away.*] Et qu'avec mon honneur je ne pouvois jamais vous epouser (of which the French arrangement, "that with mine honour, is preserved in the translation) *veu que étant marié vous m'avez enlevé.*

⁹ *Would unsay themselfis.*] *Se dédisoient*, a reflected verb preserved in the translation.

¹⁰ *To be short, he is all contrary.*] Bref, il est *tout contraire*, as in a letter to Elizabeth; "*Combien que les effects ici serient tous contraires*," July 26, 1568. Calig. C. 1.

selfe¹¹, that no perswasoun nor deith it selfe should make me fayle of my promise. As touching the place you are to negligent (pardon me) to remit yourselfe thereof unto me¹². Chuse it your selfe, and send me worde of it. And in the meane tyme I am sicke, I will differre, as touching the matter it is to late¹³. It was not long of me¹⁴ that you have not thought thereupon in time. And if you had not mair chaungit your mynde since myne absence than I have¹⁵, you should not be now to aske such resolving. Well there wanteth nothing of my part¹⁶, and seing that

¹¹ *If you did not withdraw your selfe of yourselfe.*] Si vous ne vous retiriez pas de vous même, in the translation of which it is impossible not to recognize the French original.

¹² *To negligent (pardon me) to remit yourselfe thereof unto me.*] Quant à la place, vous êtes trop negligent, pardonnez moi, de vous en rapporter à moi; to remit yourself thereof, in which the reflective verb is again preserved.

¹³ *I will differre, as touching the matter it is to late.*] The French verb, *je differerai*, quant à la matiere c'est trop tard; and the same word is employed by Mary in another letter; Monsieur après avoir longtems *differé* pour le respect des dangers imminent des entrepreneurs, &c. Jebb, ii. 291.

¹⁴ *It was not long of me.*] An English idiom employed as equivalent to *il ne tient pas à moi*. In Mary's other letter, "pour plus surement nouer ce nœud si à vous ne tient. Anderson, iv. 42. "Souvenez-vous que vous m'auries pour jamais votre si à vous ne tient." 13 Aug. 1568. Caligula, C. 1.

¹⁵ *And if you had not mair chaungit your mynde since myne absence, than I have.*] Et si vous n'aviez pas plus changé d'avis depuis mon absence que moi.

¹⁶ *Well there wanteth nothing of my part.*] He bien, il ne s'enfaut rien de ma part, as in the initial sentence of the next letter. Whitaker quotes the word "*well*" in the translation, as a colloquial expression to which there is no correspondent term

An other
wife.

your negligence doth put us baith in the daunger of a false brother, if it succede not well, I wyll never ryse agayne. I send this bearer unto you for I dare not trust your brother with these letters nor with the diligence. He shall tell you in quhat stait I am, and judge you quhat amendment these new ceremonies have brought unto me. I would I wer deid, for I see all goeth ill ¹⁷. You promisit other manner of matter of your forseying ¹⁸, but absense hath power over you, quho have twa stringis to your bow¹⁹. Dispatch the answer, that I fayle not, and put no trust in your brother for this enterprise, for he hath told it, and is also all against it. God geve you gude nicht ²⁰.

in other languages, (ii. 341.) forgetting *he bien*, the very word employed in Paris's first declaration, to which he appeals.

¹⁷ *All goeth ill.*] *Tout va mal.*

¹⁸ *You promisit other manner of matter of your forseying.*] A literal translation of, *vous promettez autre manière de matière de votre prevoyance*, can never be mistaken for a Scotch expression.

¹⁹ *Quho have twa stringis to your bow.*] Herself and his wife. Such an arch application of the proverb to Bothwell, could occur only to one, to whom the proverb itself was familiar; and to appropriate the letter indisputably to Mary, we discover an equally strange and ingenious application of the same proverb to herself, in a letter to Elizabeth. "*Afin de vous faire paroître, que, contente de votre promesse, je n'ay qu'une corde à mon arc;*" that content with Elizabeth's promise of support and friendship, she made no application to foreign powers. Sept. 25, 1568. Calig. C. 1.

²⁰ *God geve you gude nicht.*] An old French phrase, *Dieu vous doint bonne nuit*; instead of *send*, the Scotch expression.

LETTER VI.

*An uther letter to Bothwell for the practise and devise
to excuse the ravisbyng.*

Du lieu et de l'heure ¹ *ie m'en rapporte à vostre frere et à vous
ie le suivray et ne fauldray en rien de ma part. Il trouve beau-
coup de difficultes, &c.*

OF the place and the time, I remitte my selfe to your brother and to you. I will follow him, and will fayle in na thing of my part. He findeth many difficulties: I thinke he doth advertise you thereof: and quhat he desireth for the handling of him selfe ³. As for the handling of my selfe, I heard it once well devisit ⁴. Me thinketh that your

¹ *Du lieu et de l'heure.*] In the French edition, *de l'homme*. To Whitaker this appears a direct proof that the French editor read and printed the word wrong from another copy, instead of adopting the initial sentence from the English edition; as if the same typographical error, of *de l'homme* for *l'heure*, might not have happened in printing from the written copy which the French editor sent to the press. Whitaker, ii. 376.

² *I think he doth advertise you thereof.*] *Je pense qu'il vous en avertit.*

³ *Handling of him selfe.*] An English idiom inserted as in the third letter, instead of some French phrase unintelligible in the translation.

⁴ *I heard it once well devisit.*] *Bien devisé*, as in the sonnets. *Deviser avec vous à loisir*; translated, as in the letters, "to *devise* with you at leysure."

services, and the long amitie⁵, having the gude wyll of the Lordes, do well deserve a pardon, if above the dutie of a subject you advaunce yourself, not to constrain me, but to assure your selfe of such place nigh unto me⁶, that other admonitions or forraine persuasions may not let me from consenting to that that you hope⁷ your service shall make you one day to attayne: and to be schort, to make your selfe sure of the lordes, and free to marry: and that you are constraynit for your surety, and to be abill to serve me⁸ faithfully, to use an humble request, joynit to an importune action⁹. And to be short, excuse your selfe, and persuade them the most you can¹⁰, that you are constraynit to make poursute¹¹ aganis your enemies. You shall say enough, if the matter or ground do like you, and many fayre wordes to Ledinton¹². If you like not the deede, send me worde, and leave not the blame of all unto me.

⁵ *Methinketh that your services, and the long amitie.*] Il me semble que vos services, et la longue amitié.

⁶ *If above the duties of a subject, &c.—to assure yourself of such place nigh unto me.*] Si au dessus le devoir d'un sujet, vous vous avancez; non pas pour me contraindre, mais pour vous assurer de telle place près de moi.

⁷ *May not let me from consenting to that that you hope.*] Ne m'empêchent de consentir à ce que vous espérez.

⁸ *Constraynit for your surety, and to be abill to serve me.*] Contraint à votre sureté, et à être habile à me servir.

⁹ *An humble request joynit to an importune action.*] Une humble requête jointe à une action importunée.

¹⁰ *The most you can.*] Le plus que vous pourrez.

¹¹ *To make poursute.*] Faire poursuite.

¹² *Many fayre wordes to Ledinton.*] Beaucoup de belles paroles à Ledington.

LETTER VII.

An uther letter to Bothwell of the practise for his ravishment and to advise hym to be strang to do it.

Monsieur depuis ma lettre escrit vostre beau frere qui fust, est venu à moy fort triste, et m'a demandé mon conseil de ce qu'il feroit apres demain. &c.

MY Lord, since my letter written, your brother in law that was, cam to me very sad, and hath askeit me my counsaile, quhat he should do after to morrow, because there be many folkis here, and among utheris, the erle of Southerland, quho wald rather dye¹, considering the gude they haif so lately receivit of me, than suffer me to be caryit away, they conducting me: and that he fearit there should sum trouble happen of it²: of the other side³, that it should he sayd that he wer unthankfull to haif betrayit me. I told him that he shold haif resolvid with you upon all that: and that he should avoyde, if he could, those that were most mistrustit⁴. He hath resolved to write thereof to you by

¹ *Quho wald rather dye.*] Till we proceed to the context, this implies that the earl of Sutherland would rather die. But the sense is explicit when the French is restored, “parce qu’il y a plusieurs gens ici, et entre autres le compte de Sutherland, qui, vu le bien qu’ils ont n’agueres reçu de moi, mourroient plutôt que de souffrir qu’on m’en enlevât, me conduisoient;” a sentence of which the structure is altogether French.

² *Sum trouble happin of it.*] *Qu’en arrivât quelque trouble*, translated “some trouble happen of it.”

³ *Of the other side.*] *De l’autre côté*, literally rendered of, instead of on, the other side.

⁴ *That wer most mistrustit.*] *Les plus méfies.*

my opinioun ; for he hath abashit me to see him *sa* unresolvit at the neid⁵. I assure my selfe⁶, he will play the pairt of an honest man. But I have thought good to advertise you of the feare he hath⁷ that he should be chargeit and accusit of treson, to the ende, that⁸ without mistrusting him, you may be the more circumspect, and that you may haif the more power. For we had yisterday more then iii. c. horse of his, and of Leuiston⁹. For the honor of God¹⁰ be accompanyit rather wyth more then lesse : for that is the principal of my caire¹¹. I goe to write my dispatch¹², and pray God to send us a happy enterview schortly. I write in hast to the ende you may be advisit in time.

⁵ *For he hath abashit me to see him sa unresolvit at the neid.*] Car il m'a abattue à le voir *si irrésolu au besoin*.

⁶ *I assure my selfe.*] *Je m'assure*, the reflected verb, I assure myself, instead of the Scotch idiom, "I am sure, or certain."

⁷ *I have thought good to advertise you of the feare he hath.*] Je trouvai bon de vous avertir *de la peur qu'il a*.

⁸ *To the ende that.*] Afin que.

⁹ *We had yesterday more than iii. c. horse of his and of Leuiston.*] Instead of, "iii. c. hors of his and of Levingston's yesterday," car nous avions *hier* plus de iii. c. cheveaux, of which the very arrangement is French ; and even the iii. c. *trois cent* remains an indisputable mark of the French original.

¹⁰ *For the honor of God.*] A French idiom, *pour l'honneur de Dieu*, as in Pieresk's letter to Camden, "pour l'honneur de Dieu, songez à la votre." Camd. Epist. 309.

¹¹ *Rather wyth more than lesse : for that is the principal of my caire.*] Plutôt de plus que de moins, *car c'est le principal de mon souci*, in which the idiom is obvious ; *le principal de l'affair c'est*.

¹² *I goe to write my dispatch.*] *Je m'en vais écrire mon dépêche* ; her ostensible or public dispatches, different from her secret letter to Bothwell.

LETTER VIII.

*An other letter to Bothwell, concernyng certaine tokens
that she sent hym.*

*Monsieur si Pennuy de vostre absence, celui de vostre oubly, la
crainte du danger, tant prouvé d'un chacun à vostre tant aymée
personne. &c.*

MY Lord, if the displeasure of your absence, of your forgetfulness, the feir of danger so promisit by every one to your so lovit person, may gif me consolation, I leif it to you to judge, seyng the unhap that my cruell lot¹ and continuall misadventure, hes hitherto promisit me followyng the misfortunes and feares as weill of lait as of a lang tyme bypast, the quhilke you do know². But for all that, I will in no wyse accuse you, nouthur of your little remembrance, nouthur of your little cair, and least of all of your promise broken, or of the coldness of your wrytyng³, since I am

¹ *My cruel lot.*] *Mon sort cruel*, improperly rendered, *lot*, instead of *fate*.

² *Followyng the misfortunes.*] An erroneous translation of *suivant les malheurs*, according to the misfortunes and fears which promised her cruel lot and continual misadventure has hitherto promised her; not, as Whitaker supposes, in addition to them.

³ *The quibilke you do know.*] *Lesquels vous savez*.

⁴ *Nouthur of your little remembrance, nouthur of your little cair, and least of all of your promise broken, or of the coldness of your wrytyng.*] *Ni de votre peu de memoire, ni de votre peu de soin, et moins de tout de votre promesse rompue ou de la froideur de votre écrit*; in which the idiomatick elegance of the French original is obvious and indisputable. And in a letter to Eliza-

ellis so far maid yours, that that quhilk pleasis you is acceptable to me, and my thoghtes are so willyngly subduitt unto yours⁵, that I suppois that all that commeth of you, procedis nat by any of the causis foresayd, but rather for sic as be just and reasonable, and sic as I desire myselfe⁶. Quhilk is the finall order⁷ that you promisit to take, for the suretie, and honorabill service of the onely uphold of my lyfe. For quhilk alone I will preserve the same, and without the quhilk, I desire nat bot suddain daith⁸. And to testifie unto you quhow lawlie I submit me under your commaundementes⁹, I have send you in signe of homage by Paris the ornament of the hed¹⁰, quhilk is the chief guide

beth, 24 Sept. 1568, Mary writes, "Assurez vous qu'il n'i aura respect de parents ni d'amis que me fasse rompre ma promesse. Cotton Lib. Caligula, C. 1.

⁵ *My thoghtes are so willyngly subduitt unto yours.*] *Mes pensées vous sont si volontiers assujetties*; as in the sonnets.

Mon ame assubjectie

Est tout à lui et n'a autre vouloir.

Translated, "My soul *all* subduitt to him, and hes nane uther will."

⁶ *But rather for sic as be just and reasonable, and sic as I desire my selfe.*] Mais plutôt pour telles qui sont justes et raisonnables, et telles que je desire moi-même.

⁷ *Quhilk is the finall order.*] L'ordre final.

⁸ *Of the onely uphold of my lyfe. For the quhilk alone, &c. and without the quhilk, I desire nat bot suddain daith.*] Du seul soutien de ma vie, pour lequel seul je veux garder la même, et sans lequel je ne desire que mort soudaine. In these sentences, and throughout the whole letter, the French idioms cannot possibly be mistaken.

⁹ *I submit me under your commaundementes.*] Je me soumets à vos commandements.

¹⁰ *In signe of homage—this ornament of the hed.*] En signe

of the other members. Inferring thairby, that by the saising of you in the possèssioun of the spoile of that quhilk is principall the remnant can not be bot subject unto you, and with consentyng of the hart ¹². In place quhairof, since I have ellis left it unto you ¹³, I send unto you one sepulture of hard stone, collourit with blake, sawin with teares and bones ¹⁴. The stone I compare to my

d'hommage l'ornement du chef. Not one of her Scotch mobs, or head dresses, as Whitaker asserts, but the *lock of hair* mentioned afterwards as inclosed in the ring; and in the next sentence, Mary, playing upon the word *chef*, pursues the allusion to a *fief en chef*.

¹² *And with consentyng of the hart.*] Qu'en vous saisant de la possession des déponilles de ce qui est principal, le reste ne peut vous être qu'assujetti, et de consentement du cœur. The "ornament of the head in sign of homage;" "the seising in the possession of the spoil of that which is principal," are absurd, and hardly intelligible in Scotch. But the same terms, *en signe d'hommage*, (Cotgrave.) *saisant de la possession des déponilles*, (*la dépouille d'arbre, de jardin, de vignes*, and of course *la dépouille de chef, qui est principal*) are technical, or strictly appropriate to the allusion in French.

¹³ *In place quhairof, since that I have ellis left it unto you.*] Au lieu duquel (her heart) *depuis que je vous l'ai déjà laissé*; a favourite conceit which Bothwell, adopting the same strain of sentimental gallantry, had already employed in his message by Paris to the queen at Glasgow; Dites à la Roïne que je lui envoie ce diamant que tu lui porteras, et que, si j'avois mon cœur, je le lui enverrois très-volontiers, mais je ne l'ay pas moi." Paris's Second Confession.

¹⁴ *I send unto you one sepulture of hard stone collourit with blake, sawin with teares and bones.*] Je vous envoie une sepulture de pierre dure semée de larmes et d'os; in which the French word *sepulture*, and the French idiom; *semée d'argent, de pierreries, de larmes*—

hart ¹⁵, that as it is carvit in one sure sepulture or harbor ¹⁶
 The quenis hear. of your commandements and above all of your name and
 memorie ¹⁷, that are thairin inclosit as is my hear in this
 ryng never to come forth, quhile death graunt unto you
 to ane trophée of victorie of my bones as the ring is ful-
 lit ¹⁸, in signe that you have maid ane full conquest of me,
 of myne hart, and unto that my bones be left unto you ¹⁹ in

—Et *semé* bien épais de niege sur la tête,

Couverte d'un linceul de rose tout *semé*; Ronsard.

are translated literally, "a sepulture *sawen*, (instead of *strewn*ed,) with tears and bones."

¹⁵ *The stone I compare to my hart.*] A favourite comparison of Mary's, which occurs in a letter already quoted, "Je vous envoyes mon *cœur en bague*, et je vous ay apporté le *vray et corps ensemble*, pour plus sûrement nouer ce *nœud*;" and in Sir Thomas Chaloner's translation of her French verses to Elizabeth sent with a ring on her departure from France :

Sed potius cordi similis mea forma, quod ipsum

Cor Dominæ, excepta duritie, exhibeat—

O utinam ambarum bene possem adamantina vincla

(*Ore favete omnes*) *cordibus injicere.*

De Rep. Anglor. Instaurand. p. 353.

¹⁶ *One sure sepulture.*] Une sepulture sure.

¹⁷ *And above all of your name and memorie.*] Et surtout de votre nom et de votre memoire.

¹⁸ Never to come forth, *quhile death graunt unto you* to ane trophée of victorie of my bones.] *Jamais sortir jusqu'à ce que la mort vous donne, à un trophée de victoire de mes os*, as in Ronsard.

Pourquoy faites tu contres *mes os* la guerre.

Voirra ma liberté *trophée* d'un bel œil.

¹⁹ In sign *that you have made ane full conquest of me, of myne hart, and unto that my bones be left unto you.*] *En signe que vous avez fait une pleine conquête de moi, de mon cœur, et à cela*

remembrance of your victorie and my acceptable luif and willyng, for to be better bestowit then I merite²⁰. The amelyng that is about is blake²¹, quhilke signifies the stedfastnes of hir that sendeth the same. The teares are without number, so are the dreadoures to displeis you, the teares of your absence, the disdaine that²² I cannot be in outward effects yours, as I am without feintnes of hart and sprite²³, and of gude reason, though my merites wer mekle greater

que mes os vous seroient laissés; as in a letter to Elizabeth, "Je me suis mis, moy, ma cause, et tout entre vos mains." Aug. 14. 1569. Calig. C. 1.

²⁰ *In remembrance of your victorie, and my acceptable luif and willyng, for to be better bestowit then I merite.*] En memoire de votre victoire, et de mon amour agréable et volonté, d'être mieux disposée que je ne mérite. The whole sentence in its structure and derivation is evidently French; and the conceit, as far as it is intelligible, seems to be, that his name and memory were inclosed in her heart, like her hair in the ring, never to come forth till her death gave him such another (a ring *fullit*, or filled with her bones and hair) as a trophy of his conquest and of her affection. Such quaint and absurd conceits are plainly employed to adapt a mourning ring, containing her own and her first husband's, or perhaps, her mother's hair, to the occasion of the marriage.

²¹ *The amelyng that is about is blake.*] L'émail qui est autour, est noir.

²² *The dreadoures to displeis you, the teares of your absence, the disdaine that.*] La crainte de vous déplaire, les larmes de votre absence, le dédain que, in its old French acceptation of moodiness, despite.

²³ *Without feintnes of hart and sprite.*] Sans feinte de cœur et d'esprit; as in the sonnets, "Qu'il cognoistra sans fainte ma constance." The heart and soul, not the spirit, are combined in English; *le cœur et l'esprit* in French; and the proper Scotch word is *feinzierness*, not *feintness*, from the French word *feinte*.

then of the maist profite that ever was, and sic as I desire to be ²⁴, and sall take payne in conditions to imitate ²⁵, for to be bestowit worthylic under your regiment ²⁶. My onely wealth ²⁷ resave thairfoir in as gude part the same as I have received your mariage with extreme joy, the quhilk shal not part forth of my bosom quhile that mariage of our bodies be maid in publik, as signe of all that I either hope or desiris of blis in this world ²⁸. Yit my hart ²⁹, fearyng to displease you, as mikle in the reading hereof, as I delite me ³⁰ in the writyng, I will make end, after that I have kissit your handes with as greit affectioun as I pray God (O the

²⁴ *And of gude reason, though my merites wer mekle greater then of the maist profite that ever was, and sic as I desire to be.] De bonne raison, quoique mes mérites fussent plus grands que de la plus parfaite qui fut jamais, et telle que je desire être; in which the ellipsis is altogether French.*

²⁵ *Take payne in conditions to imitate.] To take pains is the English, to take pain the French idiom; and conditions for qualities, already noted in the fourth letter, occurs in a subsequent letter from Mary to Norfolk, when speaking of herself almost in the same strain as in her letter to Bothwell. "But for all their saying, I trust in God you shall be satisfied with my conditions, and behaviour, and faithfull duty to you, whenever it shall please God I be with you." Hardwicke State Papers, i. 191.*

²⁶ *To be bestowit worthylic under your regiment.] Pour être dignement disposée sous votre régime.*

²⁷ *My only wealth.] Mon seul bien.*

²⁸ *All that I either hope or desiris of blis in this world.] Instead of all the bliss that I hope or desire; "en signe de tout ce que j'espère ou desire de bonheur dans ce monde."*

²⁹ *Yit my hart.] Mais mon cœur! as in the fourth letter.*

³⁰ *As I delite me.] "Comme je me plais," a reflected verb preserved in the translation.*

onely uphold of my lyfe) to gif you lang and blissit life, and to me your gude favour as the onlie gude that I desire and to the quhilk I pretend³¹. I have shawin unto this bearer that quhilk I have learnit, to quhom I remit me, knawand the credite that you gaif hym as she doth that will be for evir unto you humble and obedient lawfull wife³² that for evir dedicates unto you hir hart, hir bodie,

³¹ *I will make end, &c.—as the onely gude that I desire, and to the quhilk I pretend.*] *Je ferai fin après avoir baisé les mains, avec autant d'affection que, je prie Dieu (O le seul soutien de ma vie) de vous donner longue et heureuse vie, et à moi votre bonne grace, comme le seul bien que je désire, et auquel je prétends.* The same terms of endearment are to be found in the sonnets, written at the same time with this last lettef.

O mon seul bien, et mon (ma) seul esperance.

Par vous, mon cœur ! et par votre alliance.

De vous je dis, seul soutien de ma vie.

And as the sonnets were confessedly written in French, no doubt can remain of the language to which those expressions belong. But the structure of the whole sentence is so strictly French, and so peculiar to Mary, that we discover the same phrazé and inversion (and *to me your gude favour*) in a letter to Elizabeth, “*pour prier Dieu qu’il vous doinct en sainte tres heureuse et longue vie, et à moi patience, et la consolation que j’entend recevoir de vous.*” May 17, 1568. Calig. C. 1. The same conclusions also, are so frequent in her correspondence, that of fourteen letters to Elizabeth, from her arrival in England till Sept. 1568, eleven conclude “*en priant Dieu qu’il vous doint en sante longue et heureuse vie,*” and three with some equivalent prayer, generally “*après avoir baisé les mains.*”

³² *To whom I remit me, &c.—that will be for ever unto you humble, and obedient lawful wife.*] “*A qui je m’en rapporte, sachant le crédit que vous lui donnez, comme elle fait qui vous sera toujours femme humble obeyssante et loyalle;* as in the sonnets.

without any change as unto hym that I have maid possessor of hart ³³, of quhilk you may hold you assurit that unto the deith sall na wayes be eschangit for evill nor gude sall nevir make me goe from it ³⁴.

Qu'à l'obeyir et servir *loyaument*.

De vous servir et *loyaument* aymer.

Translated "to serve him truly." But the structure and inversion of the sentence (*unto you humble and obedient lawful wife*) are peculiarly French; and the transition from the first, to the third person was familiar to Mary, who writes to Elizabeth, "Ma bonne sœur gaynes moy; envoyes moy querir; n'entres en jalousie pour faulx rapports de celle qui ne desire que votre bonne grace." Aug. 27, 1568. Calig. C. 1.

³³ —*That for evir dedicates unto you hir hart, &c.—as unto hym whom I have maid possesseur of hart.*] *Que pour jamais vous dedie son cœur, son corps, sans aucun changement, comme à lui que j'ai fait possesseur du cœur.* As in the sonnets; "Et sans changer me trouvera tout une;" and in a letter to Elizabeth, "puisque je desire vous dédier ma vie et cœur pour jamais." Sept. 1, 1568. ib.

³⁴ *Of quhilk, &c.—that unto me deith sall na wayes be eschangit for evil nor gude, sall nevir make me go from it.*] Duquel vous pouvez vous tenir assuré, que jusqu'à la mort sera nullement eschangé car mal ou bien ne m'en fera jamais partir. Here the Scotch phrase varies with the old French, from *change* to *eschange*; and the different arrangement of the two phrases, "It behoves us to do good and to shun evil," *il faut éviter le mal et faire le bien*, marks the original to which the French idiom, *evil nor gude* belongs. But, whoever compares the letters with a single State-paper, or other letter of the period, Scotch or English, inserted in our appendix, will be satisfied that the former possess the genuine refined idioms of a French original; and through the medium of a homely translation, will easily discover an elegance to which our language was then a stranger.

Abstract of matters shewed to the Quene's Majestie's Commissioners by the Scottes, sent the 11th of October. Vol. I. p. 217, note.

A brief note of the chief and principall poincts of the Quene of Scottes lettres written to Bothaill, which may tend to her condemnation, for her consent and procurement of the murder of her husband, as farre forth as we could by the reading gather¹.

FIRST, the plaine and manifest wordes conteyned in the said lettres, declaringe the inordinat and filthie love betwene her and Bothaill. Haynes, 480.

Next, the like wordes plainly declaringe how she hated and abhorred her said husband.

Then for the declaration of the conspiracie, and her procurement and consent to the murder of her said husband, how she toke her journey from Edenburghe to Glasco, to visite him, beinge theare sicke, and purposely of intent to bringe him with her to Edenburghe.

She wrote to Bothaill from Glasco, how she flattered her said husband to obtaine her purpose; and that the earle of Lenox his father, that daye that she was devisinge to bringe his sonne to Edenburghe, did blede at the noose and mowthe, willing the said Bothaill to gheese what pre-sage it was.

She wrote also, that she was about a worke that she hated greatly, and that she lied and dissembled to get creadite with her husband, and to bringe her faschious purpose to passe, confessing herselfe therein to do the office of a trai-

¹ From a paper indorsed by secretary Cecill.

teresse, which, weare it not to obey Bothaill, she had lever be dead then do it, for her harte did blede at it.

Also she wrote that she had wonne her husband to goe with her to Edenburghe, and to do whatsoever she wolde have him to do, sayinge, alas ! she never deceaved anie before, remittinge herselfe altogether to the will and pleasure of Bothaill, wherein she wold obey him, whatsoever come thereof; requyring him to advise with himself, if he coulde fynde owt anie other secreat invention by medicine, for her husband was to take medicine, and tae bath also at Cragmiller.

She biddethe Bothaill to burn the lettre, for it was over dangerous to them, and nothings well said in it, for that she was thinkinge upon nothings but fascerie, requyringe him that, sithens to obey him, her dear love, she spared neither honour, conscience, hazard, nor greatnes whatsoever, he woulde take it in good parte; and that he wold not see her, whose fained tears shoulde not be so muche praised, as the faithfull travailes which she susteyned to merite her place, for the obteyninge whereof against her nature, she betrayed him that might impeche it, prayinge God to forgeave her, and to geave unto Bothaill, her only love, the happe and prousperitie which she his humble and faithful love wishith unto him; hoopinge shortely to be another thinge unto him, for the réwarde of her yrekesome troubles.

Finally, she wrote to Bothaill, that accordinge to her commission, she wolde bringe the man with her; prayinge him to worke wisely, or els the whole burden wolde lye on her shoulders; and specially to make good watche, that the bird escaped not owt of the cage.

Examiner.

*Notes drawn furth of the Quenis latters sent to the
Erle Bothwell. Vol. I. p. 217, note.*

From the Paper Office.

IMPRIMIS, after lang discourse of hir conference with Anderson, the king hir husband in Glasgou, sche wraitis to the said Erle in thair termes: "This is my first jurnay, I sall end the same the morne: I wreite *in* all thingis, howbeit they be of littill weycht, to the end that ye may tak the best of all to judge upoun. I am in doing ane wark heir that I haitte gretlie: haif ye not desyr to lauche, to sie me lie sa weill, at the leist to dissemble so weill, and to tell hym *the* treuth betwix handis."

Item. Schorlie after: "We are coupled with twa fals racis: the devill syndere us, and God *not* knit us togidder for ever for the maist faithful cupple that ever he unitit. This is my faith, I will die in it."

Item. Thairefter, "I am not weill at ease, and zeit verray glaid to wrait unto quhen the rest are slepand, sen that I can not sleip as they do, and as I wald desyr, that is in your armis my deir luife."

Item. A littill thairefter: "Adverteis me quhat ze haif deliberat to do in the matter ye know upoun this point, to the end we may understand utheris wele, that nathing thair throw he spilt."

Item. Thus sche concludis the lettre: "Wareit mocht this pokishe man be, that causes me haif sa meikil pane, for without hym I *wald* haif ane far mair plesant subject to discourse upoun. He is not oer meikle *spilt*, bot he has *gottin* verray mekill; he has almaist slane me with his braith; it is war not your unclis, and zeit I cum na neirar bot *sat*.

in ane cheir at the bed-fute, and he beand at the uthir end thair of."

Item. Thairefter, "Ye gar me dissemble sa far, that I haif horring thairat, and ze caus me almaist do the office of an trahatores. Remember *yow*, yf it wer not to obey yow, I had raither be deid or I did it, my heart blidis at it. Summa, He will not cum with me, except upoun condition that I shall be at bed and bourd with hym as of befoir, and that I sall leif him na *after*."

Item. Schortlie thairefter: "Summa, he will gae upoun my word to all places. Alace, I never dissavit any bodie, bot I remit me altogidder to your will. Send me advertisement quhat I sall do, and, quhatsumever sall cum thair of, I sall obey you; advys to with yourself, yf ye can fynd out any mair secreit inventioun *be* medecein and the baith in Craigmillar."

Item. "Thairefter, I sall draw out *all thingis* out of hym, gif ye will that I advow all thingis unto hym; bot I will never rejois to *dissave* any bodie that trustis in me; zet notwithstanding ye may command me in all thingis. Haif no evill opinioun of me for that cause, be reason ye ar the occasioun of it your self, because for my awn particular revenge I wold not do it to hym.

Item. After, "For certaintie he suspectis *that* thing ye know, and of his lyif; bot as to the last, how sone I speak twae or thrie guid wordis unto hym, he rejois and is out of doubt."

Item. Schortlie thairefter, "All the Hamiltounis are heir *with me*, and accompanies me very honorably."

Item. Thairefter, "Be not offendit, for I gif not our *mekill* credyt now, sence, to obey you, my deir luife, I spare nouthir honor, conscience, nor gretnes quhatsumever, I pray you tak it in guid part, and not after the interpretation of your fals guid-brother, to quhom, I pray you, gif

nae credyns agains the maist faythfull luifer that ever ye had, or ever sall haif. Sie not hir quhais fenzeit tearis suld not be sa mekill praysit, nor estemyt, as the trew and faythfull travaillis, quhilk I sustene to merit hir place, for obeyning of quhilk, aganis my naturall, I betray thame that may impesche me. God forgive me, and God gif yow, my onlie luif, the hape and prosperitie that your humble and faythfull luif desyris unto yow, quha hoipis schortlie to be ane uther thing unto yow."

Item. In the credit gifin to the berar, quhome we understand was Paries, "Remember yow of the purpose of the ladie Reires—of the ludgene in Edinburt."

Item. In ane uther lettre sent be Betoun: "As to me, howbeit I heir nœ farther newes from yow, according to my comission, I bring the man with me to Craigmillar upon Munday, quhair he will be all Wednesday. And I will gang to Edinburt to draw bluid of me, gif in the mene tyme I get no newes in the contraire from yow."

Item. Verrah schortlie after: "Summa, ye will say he makis *the court* to me, of the quhilk I tak so gret plesur, that I enter never quhair he is, bot incontinent I tak the seiknes of my syde, I ame soe faschit with it: yf Paries bring me that quhilk I send hym for, I treast it sall amend me. I pray yow adverteis me of your newes at length, and quhat I sall doe in cais ye be not returnit quhen I cum thair, for, in cais ye work not wyselie, I sie that the haill burthin of this will fall upon my schulderis. Provyde for all thingis, and discourse upon it first your self."

Item. In ane uther lettre: "I pray yow, according to your promeis, to discharge your hart to me, utherwayis I will think that my malheure, and the guid *composing* of *thame*, that hes not the third part of the faythfull and willing obedience unto yow that I beyre, has wyne, aganis my will, that advantageov er me quhilk the second luif of Jason

wan : not that I *wolde* compair yow to ane sa unhappie as he was, nor yit myselfe to ane soe unpetifull a woman as sche ; howbeit ye cause ma be sumquhat lyck unto hir in any thing that twichis yow, or that may preserve and keip yow to hir, to quhome ye onlie appertein, *yf it may be suer* (swa) that I may appropriat that quhilk is worne throuche faythfull, yea only luiffing yow, quhilk I do and sall do all the dayis of my lyif, for pane and evil that can cum thereof. In recompense of the quhilk, and of all the evill quhilks ye haif bien cause of to me, remember yow upon the place heir besyd, &c."

No. XXI, Vol. I. Page 264.

SONNETS.

ODE BY QUEEN MARY,

On the Death of her Husband Francis II.

EN mon triste & doux chant,
D'un ton fort lamentable,
Je jette un œil tranchant,
De perte incomparable,
Et en soupirs cuisans,
Passe mes meilleurs ans.

From
Brantome's
Memoirs.

Fût-il un tel malheur,
De dure destinée,
Ni si triste douleur,
De Dame Fortunée,
Qui mon cœur & mon œil
Voit en bierre & cercueil.

Qui en mon doux printemps,
Et fleur de ma jeunesse
Toutes les peines sens,
D'une extrême tristesse,
Et en rien n'ay plaisir
Qu'en regret & desir.

Ce qui m'estoit plaisant,
Ores m'est peine dure,
Le jour le plus luisant,
M'est nuit noire & obscure,
Et n'est-rien si exquis,
Qui de moi soit requis.

J'ay au cœur & à l'œil,
Un pourtrait & image,
Qui figure mon dueil,
Et mon pasle visage,
De violettes teint,
Qui est l'amoureux teint.

Pour mon mal estranger,
Je ne m'arreste en place,
Mais j'en ay beau changer,
Si ma douleur j'efface,
Car mon pis & mon miëux
Sont les plus deserts lieux.

Si en quelque séjour,
Soit en bois ou en prée,
Soit sur l'aube du jour,
Ou soit sur la vesprée,
Sans cesse mon cœur sent,
Le regret d'un absent.

Si par foi vers les Cieux
Viens à dresser ma veue,
Le doux trait de ses yeux,
Je voy en une nue,
Soudain le vois en l'eau,
Comme dans un tombeau.

Si je suis en repos,
Sommeillant sur ma couche,
L'oy qu'il me tient propos,
Je le sens qui me touche ;
En labeur en recoi,
Tousjours est près de moy,

Je ne vois autre objet,
Pour beau qui si présente,
A qui que soit sujet,
Oncques mon cœur consente,
Exempt de perfection
A cette affection.

Mets, chanson, ici fin,
A si triste complainte,
Dont serra le refrain,
Amour vraye & non feinte,
Pour la séparation,
N'aura diminution.

Carmina Regina Scotia.

Cotton Lib. Calig. D. I. fol. 316.

Il pensier che mi nuoce insieme e giova,
 Amaro et dolce al mio cor cangia spesso,
 E fra tema e speranza lo tien 'si oppresso
 Che la quiette pace unque non trouva.

Pero se questa carta a voi renouva
 Il bel desio di vedervi in me impresso
 Cio fa il grand affanno ch' me se stesso
 Ha non potendo homai da se far prova,

Ho veduto talhor vicino al porto
 Respinger nave in mer contrario vento;
 E nel maggior seren' turbarsi il cielo;
 Con Sorella cara, temo e pavento,
 Non gia per voi, ma quanta volte a torto
 Rompe fortuna un ben ordito vello.¹

¹ This sonnet must have been written when Mary solicited admission to Elizabeth's presence, upon her arrival in England; as the same comparison is employed in a letter to Elizabeth, Sept. 24th, 1568. "Je vous ay asses souvent prie de *recevoir mon navire agité*, en votre port durant la *tourmente*. Si a ce coup, elle y trouvera *port de salut*, je y jeteray mes ancras pour jamais; autrement la barque est en la garde de Dieu. Elle est preste, et *calfatrée* pour se defendre en course, contre toutes les *tourmentes*. J'ay pleinement procedé avecques vous encores fois-je; ne prenes a mauvais part, si j'ecris ainsi, ce n'est pour *deffiance* que j'ay de vous, comme il apert, car

*Carmina Italica et Gallica Scripta per Reginam Scotiæ
ad Angliæ Reginam.*

Un seul penser qui me proffict et nuit,
Amer et doulx, change en mon cœur sans cesse,
Entre le doubte, et l'esperoir il m' oppresse
Tant que la paix et le repos me fuit.

Donc chere sœur, si ceste carte suit
L'affection de vous veoir qui m'opprime,
C'est que je viz en peïn et en tristesse,
Si promptement l'effect ne s'ensuit.

J'ay veu la nef relachèr par contraincte
En hault mer, proche d'entrèr au port,
Et le serain se convertir en trouble :
Ainsi je suis en soucy et en crainte,
Non pas de vous, mais quantes fois a tort
Fortune rompt violle et cordage double.

je me repose du tout." Cotton Lib. Cal. C. 1. The comparison itself is from Ronsard.

En peu de temps le gracieux zephyre
D'un vent hietreux empoupant ton navir
Te sit surgir dans le port amoureux.

Mais quand ma nef de s'aborder est près
Toijours plus loïn quelque horrible tempeste
La singlé en mer, tant je suis malheureux.

Le Recueil des Sonnets IV.

Certaine French Sonnettes written by the Quene of Scottes to Bothwell, befoir hir mariage with him, and (as it is sayd) quibile hir husband lyvit, but certainly befoir his divorce from hys wife, as the wordes tham selves shew, befoir quhom she bere preferreth hir selfe in deserving to be beloved of Bothwell.

Buchanan's Detection.

I.

O Dieux ! ayez de moy compassion,
 Et m'enseigniez quelle preuve certain
 Je puis donner qui ne luy semble vain,
 De mon amour et ferme affection.
 Las ! n'est il pas ia en possession
 Du corps, du cœur, qui ne refuse paine,
 N'y deshonneur, en la vie incertaine,
 Offense de parentz, ne pire affection ?
 Pour luy tous mes amis j'estime moins que rien,
 Et de mes ennemis je veux esperer bien.
 J'ay hazardé pour luy & nom & conscience :
 Je veux pour luy au monde renoncer :
 Je veux mourir pour luy avancer.
 Que reste il plus pour prouver ma constance ?

II.

Entre ses mains, et en son plein pouvoir,
 Je metz mon filz, mon honneur, et ma vie,
 Mon pais, mes subietz, mon ame assubjectie,
 Est tout à luy, et n'ay autre voulloir
 Pour mon object, que sans le decevoir,
 Suivre je veux, malgré toute l'enuie,
 Qu' issir en peult ; car je n'ay autre envie,
 Que de ma foy, luy faire appercevoir
 Que pour tempeste ou bonnace qui face,
 Jamais ne veux changer demeure ou place :

*The same translated line for line into Scottish
Prose.*

I.

O GODDIS, have of me compassioun,
 And schew quhat certaine profe
 I may geif, which shall nat seem to him vaine
 Of my love and fervent affectioun.
 Helas ! is he nat alreedy in possessioun
 Of my bodie, of hart, that refusis no payne,
 Nor dishonour in the life uncertaine,
 Offence of frendes, nor worse afflictioun,
 For him I esteme al my frends les then nathing,
 And I will have gude hope of my enemies.
 I have put in hasard for him both fame and conscience,
 I will for his sake renounce the world,
 I will die to set him forwart.
 Quhat remayneth to gief prooffe of my constancie ?

II.

In his handis and in his full power,
 I put my sonne, my honour, and my lyif,
 My contry, my subjects, my soule al subdewit,
 To him, and has none uther will
 For my scope, quhilk without deceit,
 I will folow in spite of all enuie
 That may ensue : for I haif na uther desire,
 But to make him perceive my faithfulness,
 For storme or fayre wedder that may come,
 Never will it chainge dwelling or place.

APPENDIX.

Brief je feray de ma foy telle preuve,
Qu'il cognoistra sans fainte ma constance,
Non par mes pleurs, ou fainte obeyssance,
Comme autres ont fait, mais par divers espreuve.

III.

Elle pour son honneur vous doibt obeyssance,
Moy vous obeissant, i'en puis recevoir blasme,
N'estant, a mon regret, comme elle, vostre femme.
Et si n'aura pour tant en ce point préeminence :
Pour son profit elle use de constance,
Car ce n'est peu d'honneur d'estre de voz biens dame ;
Et moy, pour vous aymer, j'en puis recevoir blasme,
Et ne luy veux ceder en toute l'observance :
Elle de vostre mal n'a l'apprehension ;
Moy je n'ay nul repos tant je crains l'apparence :
Par l'advis des parentz elle eut vostre accointance
Moy malgré tous les miens vous porte affection
(Et mesiez pour tant, mon cœur ! de ma constance¹)
Et de sa loyauté prenez ferme assurance.

IV.

Par vous, mon cœur ! et par vostre alliance,
Elle à remis sa maison en honneur,
Elle à jouy par vous la grandeur,
Dont tous les siens n'ayent nul assurance.
De vous, mon bien ! elle a eu la constance (l'accointance)
Et a gaigné pour un temps vostre cœur :
Par vous elle a eu plaisir en bon heur,
Et pour vous a receu honneur et reverence ;
Et n'a perdu sinon la jouyssance
D'un fascheux sot qu'elle aymoit cherement.

¹ Supplied by lord Hailes from the Scotch translation.
Remarks, 179.

Schortly I sall geif of my trueth sic profe,
 That he sall know my constancie without fiction,
 Not by my weping, or faynit obedience,
 As other have done : but by uther experience.

III.

Sche for hyr honour oweth you obedience :
 I in obeying you may receive dishonour,
 Nat being (to my displesure) your wife as sche.
 And yit in this poynt she shall have na preheminence.
 Sche useth constancy for hyr awiu profite :
 For it is na litle honour to be maistres of your goodes,
 And I for luifing of you may receive blame,
 And will nat be overcumme by hyr in loyall observance.
 Sche has no apprehension of your evyll,
 I feare so all appearing evill that I can have na rest.
 Sche had your acquaintance by consent of hyr freindes,
 I against al thair wil have borne you affection,
 And nat the lesse (my hart) you doubt of my constance,
 And of hir faithfulnes you haif firme assurance,

IV.

By you (my hart) and by your aliance
 Sche hath restored hyr house unto honour,
 By you she is become to that greitnes,
 Of quhilk hyr freindis had never assurance,
 Of you (my wealth) sche got the acquaintance,
 And hath conquest the same time your hart.
 By you sche hath pleasure and good lucke,
 And by you hath received honour and reverence,
 And hath nat lost but the rejoyssance
 Of one unpleasant foole, quhilk she lovit deirly.

Je ne la playns d'aymer donc ardamment,
Celuy qui n'a en sens, n'y en vaillance,
En beauté, en bonté, n'y en constance
Point de seconde. Je vis en ceste foy.

V.

Quant vous l'amiez, elle usoit de froideur ;
Sy vous souffriez pour s'amour passion,
Qui vient d'aymer de trop d'affection,
Son doig monstroït, la tristesse de cœur ;
N'ayant plaisir de vostre grand ardeur,
En ses habitz monstroït sans fiction,
Qu'elle n'avoit paour, qu'imperfection
Peust l'effacer hors de ce loyal cœur.
De vostre mort je ne vis la peur
Que meritoit tel mary et seigneur
Somme de vous elle a eu tous son bien
Et n'à prisé n'y jamais estimé
Un si grand heur si non puis qu'il n'est sien
Et maintenant dit l'avoir tant ayme.

VI.

Et maintenant elle commence à voir,
Qu'elle estoit bien de mauvais jugement,
De n'estimer l'amour d'un tel amant ;
Et voudroit bien mon amy decevoir
Par les escriptz tout fardez de scavoir,
Qui pourtant n'est on son esprit croissant,
Ains emprunté de quelque autheur eluissant,
A faint tresbien un enuoy sans l'avoir.
Et toutesfois ses parolles fardez,
Ses pleurs, ses plaincts remplis de fictions,
Et ses hautz cris et lamentations,
Ont tant gaigné qui par vous sont gardez
Ses lettres escriptes, ausquelz vous donnez foy
Et si l'aymez et croyez plus que moy.

Than I moane hyr nat to love ardently
 Him that hath none in wit, in manhead,
 In beauty, in bounty, in truth, nor in constancy,
 Ony second : I lief in the beleif.

V.

Quhen you lovit hyr sche usit coldnesse,
 Gif you suffrith for hir luif passioun,
 That commith of to greit affectionn of luif,
 Hyr sadnes schew the tristesse of hyr hart,
 Taking no pleasure of your vehement burning,
 In hyr clothing she schew unfaynitly,
 That sche had na feir, that imperfection
 Could deface hyr out of that true hart.
 I did not see in hyr the feir of your death,
 That was worthy of sic husband and lord,
 Schortly sche hath of you all hyr wealth.
 And hath never weyt nor estemit
 One so greit hap, but sins it was not hers,
 And now she saith that she loveth him so well.

VI.

And now sche beginneth to see,
 That sche was of veray evill judgement
 To esteeme the love of sic ane lover,
 And wald fayne deceive my love,
 By writings and paintit learning,
 Quhilk nat the lesse did not breid in hir braine,
 But borrowit from sum feate anthrow,
 To fayne one sturt and haif none.
 And for all that hyr paynit wordis,
 Hyr teares, hyr plaintes full of dissimulation,
 And hyr hie cryes and lamentations
 Hath won that poynt, that you keep in store,
 Hir letters and writings, to quhilk, you geif trust,
 Ye, and lovest and belevist hyr more than me.

VII.

Vous le croyez, las ! trop je l'appercoy
 Et vous doutez de ma ferme constance,
 O mon seul bien et mon seul esperance !
 Et ne vous puis assurer de ma foy :
 Vous m'etimez legier qui le voy,
 Et si n'avez en moy nul assurance,
 Et soupconnez, mon cœur ! sans apparence
 Vous deffiant a trop grand tort de moy.
 Vous ignorez l'amour que je vous porte,
 Vous soupconnez qu'autre amour me transporte ;
 Vous estimez mes parolles du vent,
 Vous depeignez de cire mon las cœur,
 Vous me pensez femme sans jugement ;
 Et tout cela augmente mon ardeur.

VIII.

Mon amour croist, et plus en plus croistra,
 Tant que je vivray, et tiendray à grand heur,
 Tant seulement d'avoir part en ce cœur
 Vers qui en fin mon amour paroistra
 Sy tres à clair que jamais n'en doutra.
 (Pour lui je veux lucter contre malheur³)
 Pour lui je veux recercher la grandeur ;
 Et feray tant qu'en vray cognoistra,
 Qu je n'ay bien, heur, ne contentement,
 Qu' à l'obeyr et servir loyaument.
 Pour luy j'attends toute bonne fortune.
 Pour luy je veux garder sante et vie.

³ Mon seul esperance.] A false concord, to be imputed perhaps to the transcriber or printer. A similar inaccuracy which

VII.

You beleve hir (helas) I perceive it to well,
 And callist in doubt my firme constancie
 (O mine onely wealth, and my onely hope)
 And I can not assure you of my truth:
 I see that you esteeme me light,
 And be no way assurit of me,
 And doost suspect (my hart) without any appeating cause,
 Discrediting me wrangously.
 You do nat know the love I beare to you.
 You suspect that uther love transporteth me:
 You thinke my wordes be but wind :
 You paint my wery hart, as it were of waxe,
 You imagine me an woman without jugement.
 And all that encreaseth my burning.

VIII.

My love increaseth, and more and more will increase,
 So lang as I shall leif, and I shall hold for ane greit felicitie
 To have onely pairt in that hart,
 To the quhilk at length my love sall appeare,
 So clearely, that he sall never doubt.
 For him I will strive against wan weard,
 For him I will recerse greitnes,
 And sall do so mikle that he shall know
 That I haif no wealth, hap, nor contentation,
 But to obay, and serve him truely.
 For him I attend all gude fortune.
 For him I will conserve health and life,

Robertson (i. 375.) observed in Goodall, (*Jeferons*, ii. 301.)
 is not in the original.

* Supplied by Lord Hailes.

Pour luy tout vertu de suyure j'ay envie,
Et sans changer me trouvera tout' une.

IX.

Pour luy aussi je jette mainte larme,
Premier quand il se fist de ce corps possesseur,
Duquel alors il n'avoit pas le cœur.
Puis me donna un autre dur alarme,
Quand il versa de son sang mainte dragme,
Dont de grief il me vint lesser douleur,
Qui m'en pensa oster la vie, et frayeur
De perdre, las ! le seul rampar qui m'arme :
Pour luy depuis j'ay mesprisé l'honneur,
Ce qui nous peult seul pouvoir de bonheur :
Pour luy j'ay hazardé grandeur et conscience :
Pour luy tous mes parentz j'ay quité, et amis,
Et tous autres respectz sont apart mis.
Brief, de vous seul je cherche l'alliance.

X.

De vous, je dis, seul soustien de ma vie,
Tant seulement je cherche m'asseurer,
Et si ose de moy tant presumer,
De vous gagner maugré toute l'envie :
Car c'est le seul desir de vostre chere amie,
De vous servir et loyaument aymer,
Et tous malheurs moins que riens estimer,
Et vostre volonté de la mien suivre :
Vous cognoistrez avecques obeysance,
De mon loyal devoir n'omettant lasciance
A quoy j'estudiray pour tousiours vous complaire,
Sans aymer rien que vous, soubz la subjection
De qui je veux sans nulle fiction
Vivre et mourir et a ce j'obtempere.

For him I desire to ensew courage,
And he shall ever finde me unchangeable.

IX.

For him also I powred out many tearis,
First quhen he made himselfe possessor of thys body,
Of the quhilke then he had not the hart.
Efter he did geve me one uther hard charge,
Quhen he bled of his blude great quantitie, [dolour,
Through the great sorrow of the quhilke came to me that
That almost caryit away my life, and the feire
To lese the odely strength that armit me.
For him since I haif despesit honour,
The thing onely that bringeth felicitie.
For him I haif hazardit greitnes and conscience,
For him I haif forsaken all kin and frendes,
And set aside all uther respectes,
Schortly, I seke the aliance of you onely.

X.

Of you I say onely upholder of my lyfe,
I onely seke to be assuerit,
Ye, and dare presume so much of my selfe,
To win you in spite of all envy:
For that is the onely desire of your deir love,
To serve and love you truely,
And to esteme all wan hap lesse than nathing,
And to follow your wyll wyth myne,
You shall knaw wyth obedience,
Not forgetting the knowledge of my leal deuty,
The quhilke I shall study to the fine that I may ever
Lovyng nothyng but you, in the subjection [please you.
Of quhome I wyll without any fictioun,
Live and die, and this I consent.

XI.

Mon cœur, mon sang, mon ame, et mon soucy,
Las, vous m'avez promis qu'aurons ce plaisir
De deviser avecques vous à loysir,
Toute la nuict, ou je languis icy,
Ayant le cœur d'extreme paour transy,
Pour voir absent le but de mon desir :
Crainte d'oublier un coup me vient à saisir :
Et l'autre fois je crains que rendurcie
Soit contre moy vostre amiable cœur,
Par quelque dit d'un meschant rapporteur,
Un autre fois je crains quelque aventure,
Que par chemin detourne mon amant
Par un fascheux et nouveau accident :
Dieu detourne toute malheureux augure !

XII.

Ne vous voyant selon qu'avez promis,
J'ay mis la main au papier pour escrire,
D'un different que je voulu transcrire :
Je ne scay pas quel sera vostre aduis ;
Mais je scay bien qui mieux aymer scaura,
Vous diriez bien que plus y gagnera.

XI.

My hart, my bloud, my soul, my care,
Helas, you had promisit that I should have that pleasure.
To devise wyth you at leysure,
All the night quhair I lye and languish here,
My heart beyng overset wyth extreme feare
Seing absent the butte of my desire.
Feare of forgetting sometyme taketh me,
And uther tymes I feare that lovesum hart,
Be not hardenit agaynst me
By sum saying of ane wickit reporter,
Uther tymes I feare sum aventure,
That by the way should turne abacke my love
By sum troublous and new accident.
O God turne abacke all unhappy augure.

XII.

Not seing you as you had promisit,
I put my hand to the paper to write,
Of ane differens that I have willit cople.
I can not tell what shal be your jugement,
But I knaw well quho can best love,
You may tell who shall winne maist.

No. XXIII. Vol. I. Page 360.

CONTRACTS OF MARRIAGE.

I.

Short Contract in French, or Promise of Marriage by Mary to Bothwell.

Beside those writynges (the letters, &c.) there was als wa extant a writyng written in Romane hand in French, to be avowit to be written by the sayd quene of Scottes herself, beyng a promise of mariage to the sayd Bothwell: quhilk writyng beyng without date, and though some wordes therein seme to the contrary, yet is upon credible groundes supposed to have been made and written by hir befor the death of hir husband, the tenor quhairof thus begynneth.

Buchanan's Detection.

Cotton Lib.
Calig. C. 1.

NOUS MARIE, par la grace de Dieu, Royne d'Escosse, douaryere de France, &c. promettons fidellement, et de bonne foy, et sans contrayante, a Jaques Hepburn Conte de Boduel, de n'avoir jamays autre espoux et Mary que luy, et de le prendre pour tel toute et quant fois qu'il m'en requerira, quoy que parents, amys ou autres, y soient contrayres: et puis que Dieu a pris mon feu mary Henry Stuart dit Darnlay, et que par ce moien je sois libre, n'estant soubz obeissance de pere, ni de mere, des mayntenant je proteste que, lui estant en mesme liberte, je seray prest, et d'accomplir les ceremonies requises au mariage: que je lui promets devant Dieu, que j'en prantz a tesmoignasge, et la presente, signee de ma mayn: escrit ce.

II.

Contract at Seton, written by Huntley.

There is also ane uther writyng in Scottissh avowit to be quholly written by the erle of Huntley, datit the v of Aprill 1567, conteyning ane form of contract for mariage betwixt the sayd quene and Erle Bothwell, subscribit Marie, quhilk is to be avowit to be the proper hand of the sayd quene, and underneth it James Erle Bothwell, quhilk als wa is to be avowit to be the proper hand of the said Erle Bothwell, at quhilk tyme he was commonly defamit of the kingis slaughter, and nat cleansit or acquirit therof befor the xii of Aprill followng. The tenor of quhilk contract here ensueth.

At Seyton the v day of Aprill, the yere of God 1567, the richt excellent, richt high and mighty princesse Mary, by the grace of God, quene of Scottis, considering the place and estait quharin Almightie God hes constitute hir highnes, And how by the decesse of the king hir husband, hir majestie is now destitute of ane husband, livyng solitary in the state of widohede. In the quhilke kinde of lyfe hyr majestie maist willingly wald continue, giff the weill of hir realme and subjectis wald permit it. But on the uther pairt, considering the inconveniencis may follow, and the necessitie quhilk the realme hes that hir majestie be couplit with ane husband, hir highnes hes inclynit to marry. And seyng quhat incommoditie may cum to this realme, incase hir majestie should joyne in mariage with any forein prince of a strange natioun, hir highnes hes thought rather better to yelde unto ane of hir awin subjectis. Amangis quhome hir majestie findis nane mair able nor indued wyth better qualities than the right noble and hir deare cousing James

Item to the
Duke of
Norfolke,
&c.

Erle Bothwell, &c. Of quhais thankfull and trew service hir highnes in all tymes by past hes had large pruiif and infallible experience. And seing not onely the same gude mynde constantly persevering in him, but with that ane inward affectioun and harty luif towardes hir majestie, hir highnes amangis the rest hes maid hir choyse of hym. And thairfore in the presence of the eternal God, faithfully, and in the word of ane prince, by these presentis takes the sayd James Erle Bothwell as hir lauchfull husband. And promittes and oblissis hir highnes, that how sone the processe of divorce intentit betwix the sayd Erle Bothwell and Dame Jane Gordon, now hys pretensit spouse, beis endit by the order of the lawis, hir majestie shal, God willing, thairefter schortly marry and take the sayd erle to hir husband, and compleit the band of matrimony wyth hym in face of haly kirk. And shall never marry none uther husband but he onely during his life time. And as hir majestie of hir gracious humanitie and proper motive, without deserving of the said Erle, hes thus inclynit hir favor and affectioun towardes hym, he humbly and reverently acknowledging the same according to his bounde dewtie, and being as free and able to make promise of mariage, in respect of the sayd processe of divorce intentit for diverse reasonable causes, and that hys sayd pretensit spouse hes thairunto consentit, he presently takes hir majestie as his lauchfull spouse in the presence of God. And promittis and oblissis hym as he will answere to God and upon his fidelitie and honor, that in all diligence possible, he shall prosecute and setforward the sayd processe of divorce already begon and intentit betwix hym and the sayd Dame Jane Gordon hys pretensit spouse, unto the finall end of ane decreit and declarator thairin. And incontinent thairefter at her majesties gude wyll and pleasure, and quhen hir highnes thinkes convenient, shall compleit and solemnizat in face of haly

kirk the sayd band of matrimony with hir majestie, and luif, honor, and serve hir highnes, according to the place and honor that it hes pleasit hir majestie to accept hym unto, and never to have any uther for hys wife during hir majestie's life time. In fayth and witnessing quhair of hir hyghnes and the said Erle hes subscribit this present faithfull promise with thair handes as followis, day, yeare and place foirsaidis, befor these witnes, George erle of Huntlie, and Maister Thomas Hepburne parson of Auldhamstok, &c. Sic Subscribitur.

MARIE R.

JAMES ERLE BOTHWELL.

Here note that this contract was made the v of Aprill, within viii weeks after the murder of the kyng, quhilke was slayne the x of the Februarie befor. Also it was made vii days befor that Bothwell was acquittit by corrupt judgement of the sayd murder.

Alswa it appereth by the wordes of the contract it selfe, that it was made befoire sentence of divorce betwene Bothwell and his former wife. And alswa in very truth was made befor any sute of divorce intentit or begon betwene hym and his former wyfe, though some wordes in this contract seme to say utherwise. Quhilk is thus proved. For this contract is datit the v of Aprill, and it playnly appereth by the judiciall actes befor the twa severall ecclesiasticall ordinarie judges, quhairin is contained the hale processe of the divorce between the sayd Erle and dame Jane Gourdon hys wyfe, that the one of the same processes was intentit and begon the xxvi day of Aprill, and the uther the xxvii.

Buchanan's Detection.

III.

*Publick Contract at Edinburgh on the Eve of the Marriage.*Goedall, ii.
57.

AT Edinburgh, the xiiii. day of Maii, the zeir of God MD. thrie scoir sevin zeris. It is appointit, agreit, contractit, and finalie accordit betwix the richt excellent, richt heich, and michtie princesse Marie, be the grace of God, queen of Scottis, dowarrier of France, on the ane part, and the richt noble and potent prince James duke of Orkney, erle Boithvile, lord Halis, Cheichtoun and Liddisdaill, greit admirall of this realme of Scotland, on the uther part, in manner, forme, and effect as efter followis; that is to say: Forsamekle as hir majestie, considering with himself how Almichtie God hes not onlie placit and constitute hir heines to regnne owir this realme, and during hir lyvetyme to governe the people and inhabitantis thair of, hir native subjectis; bot als that of hir royall persoun successioun mycht be producit, to enjoy and posses this kingdome and dominionis thair of, quhen God sall call hir hienes to his mercy out of this mortall lyff; and how graciouslie it hes plesit him alreddy to respect hir hienes, and this hir realme, in geving unto hir majestie hir maist deare and onlie sone the prince, baith hir hienes self and hir haill subjectis as detbund to rander unto God immortal prayse and thanks. And now hir majestie being destitute of an husband, levand solitary in the state of wedoheid, and zit zounge and of flourishing aige, apt and able to procreate and bring forth ma children, hes bene preissit and humbly requirit to zeild unto sum mariage. Quhilk petitioun hir grace weying, and taking in gude part, bot cheiflie regarding the preservatioun and continewance of hir posteritie hes condescendit thairto.

And mature deliberatioun being had towert the personaige of him with quhome hir Hienes suld joyne in mariage, the maist part of hir nobilitie, be way of advise, hes humbly prayit hir majestie, and thocht bettir that she suld sa far humble hirself, as to accept ane of hir awin borne subjectis on that state and place, that wer accustomat with the maneris, lawis and consuetude of this countré, rather nor ony foreyne prince: and hir majestie preferrand thair advyse and prayers, with the weillfair of hir realme, to the advancement and promotioun quhilk hir hienes in particular mycht have be foreyne mariage, hes in that poynt likewise inclynit to the sute of hir said nobilitie. And thay namand the said noble prince, now duke of Orknay, for the special personaige, hir majestie well avysit, hes allowit their motioun and nominatioun, and graciouslie accordit thairunto, having recent memorie of the notable and worthie actis, and gude service done and performit be him to hir majestie, alswell sen hir returning and arrivall in this realme, as of befor in hir hienes's minoritie, and during the time of government of umquhile hir dearest moder of gude memorie, in the furthsetting of hir majestie's auctoritie aganis all impugnaris and ganestanderis thair of: quhais magnanimitie, courage, and constant trewth towert hir majestie, in preservation of hir awin persoun from mony evident and greit dangeris, and in conducting of heich and profitable purposes, tending to hir hienes's advancement, and establissing of this countrie to hir perfite and universal obedience, hes sa far movit hir, and procurit hir favour and affectioun, that abuis the common and accustomat gude grace and benevolence quhilk princes usis to bestow on noble men, thair subjectis weill deserving, hir majestie wil be content to ressave and tak to hir husband the said noble prince, for satisfactioun of the hartis of hir nobilitie and people. And to the effect that hir majestie may be the mair able to governe and rewill hir

realme in time to cum during hir lyfetime, and that yssue and successioun, at Godis plessour, may be producit of hir maist noble persoun, quhilkis, being sa deir and tender to hir said dearest sone, eftir hir majestie's deceis, may befoir all utheris serve, ayd and comfort him. Quhairfore the said excellent and michtie princesse and quene, and the said noble and potent prince James duke of Orknay sall, God willing, solemnizat and compleit the band of matrimony, ather of thame with uther, in face of haly kirk with all guidlie diligence. And als hir majestie, in respect of the same matrimony, and of the successioun, at Goddis plesour to be procreat betwixt thame, and producit of hir body, sall in hir nixt parliament grant a ratificatioun, with avise of hir thrie estatis, (quhilk hir majestie sall obtene) of the infestment maid be hir to the said noble prince, than erle Boithvile, and his airis mail to be gottin of his body, quhilkis failzeing, to hir hienes and hir crown to return, of all and haill the erldome, landis, and ilis of Orknay and lordship of Zetland, with the holmis, skerreis, quylandis, outbrekkis, castellis, touris, fortalices, manor-places, milnis, multuris, woddis, cunyngharis, fisheingis, alsweill in freshe watteris as salt, havynnis, portis, raidis, outseittis, partis, pendiclis, tenentis, tenendries, service of fré tenentis, advocatioun, donatioun, and richt of patronage of kirkis, benefices and chapellanries of the samyn; liand within the sheriffdom of Orknay and fowdry of Zetland, respective, with the toll and custumis within the saidis boundis, togidder with the offices of sheriffship of Orknay and fowdry of Zetland, and office of justiciarie within all the boundis als weill of Orknay, as Zetland; with all the privilegis, feis, liberteis and dewteis perteing and belanging thairto, and all thair pertinentis, erectit in ane haill and fré dukry, to be callit the dukry of Orknay for evir: and, gif neid be, sall mak him new infestment thairupon in competent and dew

forme: quhilk hir majestie promittis *in verbo principis*. And in cais, as God forbid, thair beis na airis maill procreat betwix hir majestie and the said prince, he oblissis his utheris airis maill, to be gottin of his body, to renounce the halding of blanche ferme contenit in the said infestment, takand alwayes and ressavand new infestment of the saidis landis, erldome, lordship, ilis, toll, custumis, and offices above written, and all thair pertinentis erectit in ane dukry, as said is: quhilk name and titill it sall alwayes retene notwithstanding the alteratioun of the halding; his saidis airis maill to be gottin of his body payand zerlie thairfoir to our said soverane Ladyis successoris, or thair comptrollaris in thair name, the soun of twa thousand poundis money of this realme, like as the samyn was sett in the tyme of the kingis grace hir gracious fader, of maist worthy memorie. Moreover, the said noble and potent prince and duke oblissis him, that he sall nawyse dispone nor put away ony of his landis, heritaigis, possessiounis and offices present, nor quhilkis he sall happin to obtene and conquss herefter during the mariage, fra the airis maill to be gottin betwix him and hir majestie; bot thay to succedd to the same, als weill as to the said dukry of Orkney. Furthermair, it is concluded and accordit be hir majestie, that all signatours, lettres and writtingis to be subscrivit be hir majestie in tyme to cum, efter the completing and solemnizatioun of the said mariage, othir of giftis, dispositionis, graces, privilegis, or utheris sic thingis quhatsumevir, sal be alsua subscrivit be the said noble prince and duke for his interesse, in signe and takin of his consent and assent thairto, as hir majestie's husband. Likeas it is alsua agreit and accordit be the said noble prince and duke, that na signatours, lettres or writtingis, othir of giftis, dispositionis, graces, privilegis, or uthir sic thingis concerning the affaires of the realme, sal be subscrivit be him onlie, and without hir majesteis avise

and subscription : and gif ony sic thing happin, the samyn to be of nane avale. And for observing, keping and fulfilling of the premissis, and every point and article thair of, the said noble and mychtie princesse, and the said noble prince and duke hes boundin and oblissit thame faithfullie to utheris ; and ar content and consentis that this present contract be actit and registrat in the buikis of counsell and sessioun, *ad perpetuam rei memoriam* : and for acting and registering heirof in the said buikis, hir majestie ordanis hir advocattis, and the said noble prince and duke hes maid and constitute maister David Borthwick, Alexander Skene his procuratoris conjunctlie and severalie, promittand *de rata*. In witness of the quhilk thing hir majestie and the said noble prince and duke hes subscrivit this present contract with thair handis, day, zeir and place foirsaidis, befoir thir witnessis, ane maist reverend fader in God John archie-bishop of Saintandrewis, commendatar of Paisly, &c. George erll of Huntlie, lord Gordoun and Badzenach, chancellor of Scotland, &c. David erll of Crawford, lord Lindsay, &c. George erll of Rothes, lord Leslie ; Alexander bishop of Galloway, commendatar of Inchaffray ; Johnne bishop of Ross ; Johnne lord Fleming ; Johnne lord Hereis, William Maitland of Lethington younger, secretar to our soverane lady ; sir Johnne Bellenden of Auchnoule, knight, justice-clerk ; and Mr. Robert Creychton of Eliok, advocate to hir hienes ; with utheris divers.

MARIE R.

JAMES DUKE OF ORKNAY.

On the back, xliii. Maii, 1567.

Comperit personalie the Quenis Majestie, and James Duke of Orkney, &c. and desyrit this contract to be registrat, &c. in presens of the Clerk of Register, &c. of quhais command I haif registrat the samyn,

J. SCOTT.

No. XXIV. Vol. II. Page 5.

Depositions, Trial, and Confessions of Powrie, Dalgleish, Hay and Hepburn.

The Depositions of WILLIAM POWRIE.

*Apud Edinburgum, 23 Junii, An. Dom. 1567, in presentia
Dominorum Secreti Concilii:*

WILLIAME POWRIE, borne in Kinfawnis, scrutor to the erle Bothwell, deponis, That ye sath day the king wes slane at night, the erle Boithwell, aecompanyt with James Ormestoune of yat ilk, Hob Ormestoune his fader bruther, John Hepburne of Bolton, and Johne Hay zounger, seid togidder to an counsele in the nether hall of ye said erle Bothwell's ludgeing in ye abbay, about four houris eftirnone, or yairby, and remanit yairin twa houris, or yairby; quhat yai did or said, he knawis not.

From Anderson; ib.
165.

Item. Deponis, Yat John Hepburne of Bolton, at ten houres at evin, commandit the deponar and Pat Wilsoun to tak up ane carriage of twa maills, the ane ane tronk, and ye vther ane leddirin mail, quhilks were lyand in the said nethir hall, quhilks the deponar and the said Pat put on and chargit upon twa horses of my Lordis, the ane being his sown horse, and carriit the same to the zet of the enteres of the Black Friers, and yare laid the same down, quhair the erle Bothwell, acumpanit with Robert Ormestoun and Paris, called French Paris, and vtheris twa quhilks had cloakes about yare faces, met the saidis deponar and Pat Wilsoun. And yat zoung Tallo, the lard of Ormestoun, and John Hepburne of Boltoun, wes awaitand vpon

ye deponar and Pat Wilsoun, within the said zet; and yat yare the saidis thre persouns within the said zet, ressaivit the saids twa charges, quhillis the deponar knew to be pulder, because the same wes in sundry polks within the said mail and tronk; and ye deponar and said Pat Wilsoun helpt yame in with the same; and the powder being taken from yame, the said Johnne Hepburne of Bolton sent this deponar for candell, and yat he coft six halpenny candell fra Georde Burnis wife in the Cowgate, and deliverit to the said Johnne: and yat ye saids persouns ressavaris of the powder, had ane towel with them, with ane littil licht candell; and the saids persouns within the said zet oppynit the tronk and mail, and tuck out the polks with the powder: and everie ane of yame tuck yane upon his back, or under his arm, and carryit the same away to the back-wall of the zaird yat is next the trees, and yair the said laird of Ormestoune, Johnne Hepburne of Boltoun, and zoung Tallo, ressavit the pulder fra yame, and wald suffer the deponar and his marrow to pass na furdar. And quhen the deponar and his marrow came bak againe to the said Frier zet, the twa horss that carryed the said mail and tronk war away, and zit yay carryit the saids mail and tronk again to the abbay, and as yay came up the Black Frier Wind, the quenes grace was gangand before yame with licht torches: and yat the deponar and his marrow being cumin to the said erles ludging in the abbay, thai tarryit yare ane hour or mair, and yan the said erle came in, and immediatly tuk aff his claythes yat wer on, viz. a pair of blak velvet hoise, trussit with silver, and ane doublet of satin of the same maner, and put on ane vthir pair of black hoise, and ane doublet of canwes, and tuk his side rideing cloak about him, and incontinent past furth, accompanyt with French Paris, the deponar, Georde Dagleish and Pat Wilsonn, and came down the turnpike, and along the back-wall of the quenes

garden, quhill yai came to the back of the cunzie-house, and the back of the stabillis, while thay came to the Canongate. And deponis, yat as yai came by the gait of the quenes south garden, the twa sentinellis yat stude at the zet yat gangis to the utter cloiss, speirit at yame, quha is yat? and yai answerit, friends. The centinel speirit, quhat friends? and yai answerit, my lord Bothwells friends.

Item. Deponis, Yat yai come up the Canongate, and to the neither bow, and findand the bow steikand, Pat Willson cryet to John Galloway, and desirit him to opin the port to friends of my lord Bothwell, quha came and oppynit the port, and yai enterit, and zeid up aboue Bassyn-times house on the south-side of the way, and knockit at ane staire, and callit for the laird of Ormestone, and Robert Ormestone, and nane answerit yame, and yai yan slippit down ane cloiss beneith the Frier Wynd, and come to the zet at the Black Friers, and enterit in at yat zet, and zeid quhill yay come to the back-wall and dyke, quhaire the deponar and Pat Wilson left the utheris persouns before exprymit, with the powder as said is, and yaire the erle Bothweille past in over the dyke, and bad the deponar, Pat Wilson, and Georde Dagleish tarry still yair while he come backwart to them. And fufder deponis, yat yai tariit yare half an houre, and hard never din of any thing, quhill at last my lord, accompanyit with zoung Tallo, and Johnne Hepburne of Boltoune, come to the deponar, and vtheris twa persons being with him, and evin as my lord and thir twa comes to the deponar and his marowis at the dyke, thai hard the crack, and thai past away togidder out at the Frier Zet, and sinderit quhen yai came to the Cowgait, pairt up the Blackfrier Wynd, and pairt up the cloiss which is under the Endmyllis Well, and met not quhill vai came to the end of the Bow, and zeid down ane cloiss on

the north side of the gait, to haif loppin the wall of Leith Wynd, and yair my lord thought it over heich, and came again aback to the port, and caused cry upon John Galloway, and said yai war friends of my lord Bothwilis. And John Galloway ruse and let them furth, and syne yai past down St. Mary's Wynd, and down the back zairds of the Canongait, and to the said erles ludging; and as yai past the queens guards before specifit, sum sentinells speirit at yame quha yai war, and yai answerit, yai war friends of my L. Bothweill; and als speirit quhat crak yat was, and yai answerit, yai knew not; and yat the sentinels bid them, if yai were servandis of my L. Bothweill, to gang yair way.

My lord come into his ludgeing, and immediately callit for ane drink, and tuk off his cloathes incontinent, and zeid to his bed, and tarriet in his bed about half an hour, quhen Mr. George Hacket come to the zet, and knocks, and desired to be in; and quhan he came in, he appeared to be in ane greit effray, and was black as any pik, and not ane word to speik. My lord enquirit, quhat is the matter, man? And he answerit, the kingis house is blawn up, and I trow the king be slayn. And my lord cryet, fy, treasoun! And yan he raise and pat on his claiths. And yarefter the erle Huntley and mony came in to my lord, and yai zeid into the queenes house.

Item. Deponis, Yat upon the nixt nicht efter, my lord desyrit yis deponar, Pat Wilson, Georde Daglish, the laird of Ormestoune, and Hob Ormestoune, John Hepburn, and zounge Tallo, to keip thair tongues cloiss, and yai suld nevir want sa lang as he had, and yat he suld send the deponar and Pat Wilson to the armitage, and yat yai suld be honestly sustainit. And being inquirit, gif this deponar, at my lord Bothwells desyre, socht ane fyne lunt of any of the suddartis: and answerit, yat he did the same, and gat a

piece of fine lunt of half a faddome, or yareby, fra ane of the suddartis, quhais name he knawis not, and deliverit to Jehne Hepburne of Boltoun, upon Saturday before the kingis slaughter.

*Apud Edinburgum 3 Julii, An. Dom. 1567, in presentia
Dominorum secreti Concilii.*

WILLIAME POWRIE re-examined, deponis, Y^{at} the carage of the tronk and mail contenit in his former deposition, were carryed by him and Pat Wilsone, upon ane gray horss yat pertained to Herman page to my lord, at twa sundry tymes, and war carryed and conveyit by yaim into the place containet in his former deposit, and yat at the Frier Wynd fute yis deponar said to Pat Willson, at the conveying of the last carriage, thir words, Jesu, Patt, quhattin ane gait is yis we are gangand? I trow it be not gude. And he answerit, I trow it be not gude; but weist, hald zour tongue.

Item. Depons, Quhan the deponar and Pat Willson come to the Frier Zet with the last convoy, and laid the same down, Robert Ormestoune come furth, and said thir words. This is not gude like, I trow this purpois will not come to this nycht, I will in and se quhat yai are doing.

Item. Yareftir quhen the powlder and greaith was carryed inwart, the Deponar tarryand at the dyke, the laird of Ormistoun of yat ilk came again, and said to John Hepburne and young Tallo, thir words, (Paris Frenchman being with him) be God it is fair in field, cum of it quhat will, and bade the deponar and Pat Wilson gang their way; and at the same tyme yat ye deponar and Pat Wilson laid down the last cariage at the said Frier Gait, the E. Bothweill came unto thame utwith the Frier Zet, accompanyit with

thre more, quhilks had yare cloaks, and mulis upon yair feet.

Item. Deponis, Yat the saidis Johane Hepburne of Boltone, upon Saturday at evin befor the kingis slaughter, brought the mail and tronk quhairin the powlder was, to the E. of Bothwiles ludgeing, and laid in the same in the neither hall: and the deponar declaris, yat at the last horse cariage he bare up ane toome poulder barrel to the same place yai carriet the pulder, and yat he wist not how nor be quhome the same came in the erle Bothweilis ludging in the abby.

Item. Deponis, Yat upon the morn eftir the kingis slauchter, viz. Mononday, Johne Hepburne of Boltoun gat ane gray horse, Mr. Young Tallo ane broun horss fra my L. Bothweill.

Item. Inquirit gif William Geddes deposition, being red to the deponar, was trew; declarit the same was all trew, except the deponar remembers not quhidder he bad and counsulit this Geddes not to be fund on the gut yat nycht or not.

This is the trew copy of the depositions of the sald William Powry, maid in presence of the lords of secret counsall, concordand and agrieand with the principal remainand at the office of justiciary, collationat be me sir John Bellenden of Auchnoule, clerk of our souerane lordis justiciarie, witnessing my sign and subscriptioun manual.

JOANNES BELLENDEN *Clericus Justiciarie.*

The Deposition of GEORGE DALGLEISH,

Apud Edinburgum, 26 Junii, An. Dom. 1567, presentibus comitibus de Mortoun & Athol, preposito de Dundee, & domino de Grange.

GEORGE DALGLISH seruande in the chalmer to the erle Bothwell, of the aige of 27 zeiris, or yareby, &c. deponis, yat ye Sunday the king was slayne at nycht, the E. Bothwell, accompanyit with the laird of Ormistoun of yat ilk, Hob Ormestoun his fader bruther, Johne Hepburne of Boltone, Johnne Hay of Tallo zounger, war togidder in the neither hall of the said erl's ludging in the Abby, about four houres in the eftirnone, and remained yarein ane hour and a half, and quhat yai did knaws not, be ressoun the deponar remainit for the maist part in my lord's chalmer.

Item. Deponis, yat my lord his maister came to his chalmer about 12 hours at evin, or yareby, and tuke of his playths, and chingit his hois and doublet, viz. ane pair of hoiss stocket with black welvet, pasementit with silver, and ane doublett of black satin of the same maner, and put on ane vther pair of black hoiss, and ane canwes doublett white, and tuke his side riding cloak about him, of sad Inglish claith, callit the new colour. And incontinent the Erle, French Paris, William Powry, seruitor and porter to the said erle, Patt Wilsoun, and the deponar, zeid down the turnepyke altogidder and endlong the bak of the quene's garden, quhil yow cum to the bak of the cunzie house, and the bak of the stabillis, quhill zow com to the Cannogate foreanent the Abbay zet. And depones, as yay came by the entry of the quene's south garden, ane of the sentinels yat stude at the zet yat gangis to the utter cloiss,

speirit at thame, quhais that ? Yai answerit, friends ; quhat friends ? friends to my lord Bothwell.

Item. Deponis, yai came up the Canogait to the Nethir Bow, quhilk wes steikit, and yat Patt Willson cryit to John Galloway, and bid him come down and oppin the port and let yame in, and yat yai tarriet ane gude quhile or Galloway came down to let yame in, and speirit at yame, quhat did yow out of yair beds yat time of night ? and eftir yai enterit within the porte, yai zeid up abone Bassyntines house on the south-side of the gait, and knockit at ane dur beneth the swordslippers, and callit for the lard of Ormes-tounes, and one within answerit, he was not yare ; and yai passit down a cloiss beneth Frier Wynd, and enterit in at the zet of the Black Friers, quhil they come to the bak wall and dyke of the town wall, quhair my lord and Paris past in over the wall, and commandit ye deponar, William Powry and Pati Willsoun, to remayne still quhill yai came till yame, and quhatevir yai hard or saw, not to stur or depart quhill he cam againe : and yat yis deponar and the uther twa tarreit yair half an hour or yareby, and in the meyn time hard no din of any thing, quhill at last my lord, accompanyit with John Hay zounger of Tallo, Johnne Hepburne of Bolton, come to the deponar, and his company, yai hard the crack, and past all away togidder out at the Frier zet, and sunderit in the Cowgait. My lord, Johnne Hepburne, and Pat Wilsoune, William Powrie and the deponar zeid up ane wynd be-est the Frier Wynd, and crossit the Hiegait at the Nether Bow, to haif lopin the wall at Leith Wynd, bot thai thocht the wall over hich, and came agane to the Port ; and my lord caussit cry upone Johnne Galloway, and said, yai were servands of my lord Bothwell ; and yat he ruse and oppynit the wickit, quha it wes yat ruse, *ignorat* : and syne yai passit down St. Mary Wynd, and down the back of the Cannygait, and to the

said erles ludging, and enterit be the same turnpicke yat yai cam furth at. And as yai passit by the quene's gardens, ane of the sentinel's speirit, quha yay war? And yai answerit, yay war friends of my lord Bothweill. And so soon as my lord came in his ludgeing he cryit for ane drink, and incontinent yarestir tuke off his claythes and zeid to his bed, and lay be the space of half ane hour or yareby; and yat Mr. George Hacket came to the chalmer about half ane hour eftir my lord lay down. Quhan he came in, he aperit to be very effrayit, and my lord speirit, quhat is the matter man? And he answerit, yat he heard at the Kirk of Field like the schot of ane cannoun, and, as I hear say, the king's house is blawn up, and I trow the king be slayne. And incontinent my lord raise and pat on his clayths, that is to say, the same hoiss and doublet yat he had on upon Sunday, quhilks wer passemments with siluer, and sa sone as my lordis clayths was on, he departit furth of the chalmer, and the deonar remanit still in the chalmer.

This is the trew copy of the depositione of the said George Dalglish, maid in presence of the lordis before exprimit, concordand and agreeand with the principall remayning at the office of justiciarie, collationat by me Sir John Bellendent knight, clerk of our soveraigne lordis justiciary, witnessing my signe and subscription manual.

JOANNES BELLENDEN *Clericus Justiciariae.*

The Deposition of JOHN HAY younger of Tallo.

*Apud Edinburgum 13 die mensis Septembris, An. Dom. 1567,
in presence of my Lord Regent, the Erles of Morton and
Athol, the Lairds of Lochleven, and Petarow, Mr. James
Magyll, and the Justice Clerk.*

THE quhilk day, John Haye zounger of Tallo being examinit anent the kingis graces murther, grantit and confessit himself culpable yareof, and as he wald answer before God, deponit and declarit the erle Bothwele his masters pairt of the same, sa far as the deponar knew, in manner following: that is to say, that upon the 7 day of Februar last bypast, before the kingis murther, therle Bothweil, within his chalmer in his ludging in the Abbay of Halyrudhous; schew to the deponar the purpose of the kingis murther, sayand their words or siclike, Johne, this is the mater, the kingis destructioun is devysit, and I mon reveill it unto ye, for an I put not him down, I can not haif an lyfe in Scotland, he will be my destruction, and I reveill this to the as to my freind, and gyf zow reveill it again, it will be my destruction, and I sall seik this thy life first: and yarwith he gave the deponar also diverse admonitions, and also fair promises to keip the matter secret, and to take part with him in the kingis slaughter, as he had devisit; and yat yareafter at evin, in the presence of John Hepburn callit of Bolton, the said erle proponit the samyn matter to the deponar, quhilk John Hepburn was on the counsail yairof of before. And therle Bothwell said to the deponar, I have devisit it in this manner, and ye sall do the same, that is to say, he said in presence of James Ormiston of yat ilk, and the said John Hepburn, thir words, the pulder mon be laid in the house under the kingis

chalmer, quhair the queene suld lye, in an barril, gyf it may be gottin within the barril, and the same barril sall haif an hoill at the nether end yareof, and an tre holit and howkit like an troch put to the hoill of the barril, and an lunt yareupon, quhilk sall be fyrit at the far end, and the unfyrit end laid in the hoill of the barril in the pulder. And this porpos suld haif bene put in execution upon the Saturday at night, and the matter sayhit yat night, becaus all thingis war not in reddynes yairfor.

Item. Deponit, yat upon Sunday yarefter, about thre or four houres afternone, in therle Bothwell's nedder house in the Abbaye, the said erle, John Hepburn of Bolton, and the deponar, devysit yat my lord suld gang up to the said laird of Ormiston's chalmer (like as he did) sua sone as it was thik, and yat yare past with my lord, quyet on fate, John Hepburn of Bolton, the deponar, and Ade Murray met yame, and sua utheris quham the deponar remembers not, at the said laird of Ormiston's stairefate of his chalmer, above the bow, on the south-syde of the gait, and yat my lord comandit the said Ade and utheris to pass to Mr. John Spensis, and remayne yare quhill he came to yame; and yat my lord, John Hepburn of Bolton, and the deponar, enterit in the said laird of Ormiston's chalmer, quhair yai fand the said laird, and Hob Ormiston his fader bruther, and an bruther of the lards, quhais name the deponar knows not, and was put to the dur: and yair yai consallit quhat gait yai suld gang to the kingis house, becaus yai had not tane purposis yaimpon of before: and syne yai zeid all down togydder to the Black Freir zeit, and ye said laird of Ormiston zeid in throw the ald howsis and wallis, and past and opynitt the said Freir zet to my lord, the deponar, and the rest foresaid. And yat my lord and the deponar zeid up and down the Kowgate, quhile Wille Powry and Pate Willson brecht the powder, quhilk was

brocht at twa sundry times, furth of the Abbay, from the erli's ludgeing, and yat the same was in a tronk and an mail, and was brought upon Hermanis naig, and yat the powder was ressavit in at the Black Freir zeit be the said lard of Ormiston, and John Hepburn of Boltown, and yat the samyr was born in be Wille Powry, Paté Wilson, and the saids lard of Ormiston, Hob Ormiston and the deponar in the trunk and mail. And yareftir the powder yat was in the trunk, was taken furth of the same, and put in polks, and the powder yat was in baith the tronk and mail was caryit to the kingis house in polks.

And it is of veritie, that Paris the French man was in the nedder house, under the kingis chalmer, and had an key of the backdowr, and then the said lard of Ormiston past in at the said dur, and spake with the said Hob his fader bruthier, and with the said Paris, being both therein, and fand the time convenient, and came furth again, and tauld the samyn to the said erle and his company; and yat yai had with yame alsua a tre and a powder bartel, for to have done as said is, but the bartel was so meikle, it could not be gottin in at the duur; and yan yay tuk all the polks and carried yame within the said laich house, and temit yame on the flour in an heip, and the polks weir taken furth again, and yat my lord was in the house afoir, and had left the said Paris yarein, and the said Hob standand at the dur awaitand upon yair coming: and yat the said lard of Ormiston said to the said John Hepburn, ze ken now quhat ye haif to do quhen all is quyet abone zow, fyre the end of the lunt, and cum zour way. And yareftir the said lard of Ormiston past his way with Hob with him, and Paris. John Hepburn and ye deponar taryit still within the said laich house a certain space, and Paris lockit the back dur, and the dur yat passes up the turnpike to the kingis chalmer, quhair the king, the quene, and ye erle

Bothwell, and vthers were, and passit up to yame, levand behind him the said John Hepburn and the deponar lockit in the said nedder house; and as the deponar believes, Paris shew the erle Bothwell that all things were in readiness, and syne sone yareftir, the quene and the lordis returnit to the abbay, my lord Bothwell being in her company; and yareftir the erle Bothwell, accompanyt with Paris and Georde Dalglish, came to the back zard, and the said Hepburn quha had twa keyis of the back dur, lichtit the lunt, and came with the deponar, and lockit the durris after yame, and fand the erle of Bothwell in the zaird, quha speirit at yame, gyf they had done that quhilk he had biddin yame, and fyrit the lunt; and yai answerit yat it was done. And efter my lord and thai tarryit in the zaird ane lang tyme: and quhen my lord saw yat ye matter came not hastily to pass, he was angre, and wald have gen in himself in the house, and the said John Hepburn stoppit him, saying thir wordis, ze neid not. And my lord said thir wordis, I will not gang away quhile I see it done; and within ane schort space it fyrit, my lord, John Hepburn, the deponar, and Paris being gangang at the fute of the aley in the said zard, and quhen they saw the house risand, and heard the crack, they ran their way, and come down the Wynd fra the said Freir zett; and yat my lord yareftir past to the wall at Leith Wynd, to have past over it, but because he thocht it over hich, he sturrit yairwith, and came back again to the Nedder Bow, and past furth at the port, after Johnne Hepburne had cried upon John Galaway, porter, and caussit him oppin the port; and that the saids John Hepburn and Georde Dalglish passit afore with my lord; and sone yareftir, the deponar and Paris followit, and the deponar passit to his bed in John Hepburns in the Canongait, and my lord passit to his awin ludging in the Abbay.

The Deposition of JOHN HEPBURN, called John of Bowton.

*Apud Edinburgum 8 die mensis Decembris, An. Dom. 1567,
in presence of my Lord Regent, the Erle of Athol, the Lord
Lindsay, the Lord of Grange, and the Justice Clerk.*

THE quhill day, Johnne Hepburne, callit Johnne of Bowtoun, being examinit upon the kingis murther, grantit himself culpable and gilty yairof, and as he wald answer before God, deponit and declaryt the erle of Bothwile his maisters part of the samyn, so far as the deponar knew in this matter, that is to say, the first tyme yat evir the erle of Bothwile spake yis matter of the kyngis murther to the deponar, was ane day or twa afir the bringing of the powder furth of Dunbar, at quhill tyme he said to the deponar in this manner, thair is ane purpos divisit amongs some of the noblemen, and me amongs the rest, yat the kinge sall be slane, and that every ane of us sall send twa servandis to the doing yairof, owther on the fields, or otherwise as he may be apprehendit; and yan desirrit ye deponar to be ane of the entreprysers for him: quhais answer was, yat it was ane evil purpos, and zit, because he was servand and counsaunce to his lordshyp, he wald do as vtheirs wald, and put hand to it. One the mornie yareftir, he callit James Ormiston of that ilk, the deponar and John Hay younger of Tallo, and break the purpos to yame, and maid the like declaratioune to yame, yat vthir noblemen had had as far enteres as he in yat matter; and yai maid to him evin sic answer as he had done. Quhether my lord had schewed yame ye purpos of befoir or not, ye deponar knawes not. Swa every day yare was talking amongis yame of the samyn purpos, quhill within twa dais before

ye murther, yat the said erle changed purpose of the slaying of the kinge one the feildes, because yan it wald be knawn, and schew to yame quhat way it mycht be usit better be ye pulder. And on the Sunday, in the gloming before nicht, ye 9 daie of Februar last bepast, the deponar send ye said Johne Hayes man for ane tome poulder barrel to the man quhilk Johne Hays had coft the same fra, yat dwells above Sandie Bruces cloise heid. At even my lord suppit in maister Johnie Balfour's hous, quhare the bischop of Argyle maid the banket, and eftir supper my lord came up the gait, and yai all with him to the said lard of Ormestoun's chalmir, quhair ye deponar and Johnie Hays past in, and fand the said lard and Hob Ormistoun his fader bruther; and as ye deponar rememberis, yat was the first time yat Hob knew of yat matter, and yare yai spake togidder, and my lord schewit yame ye maner: and the deponar, the said lard of Ormestoun, Hob Ormistoun, and Johnie Hays, past to the fute of the Black Freir Wind, haveing sent away Wille Powry and Pate Wilsone for the poulder. And before yar comming furth of the said chalmir, my lord departit with his servandis, quhair ye deponar knawes not. And the saids foure being togidder, as is befoir wrytting, at the fute of the Freir Wind, the said Willie Powry and Pate Wilsone cum agene with the poulder, quhilk was brocht at two times in ane tronk and ane mail, and yai carreit it in at Black Freres zet, and quhen yai war changing ye pulder furth of the tronk in polks, my lord come and speirid, gyf all was reddy, and bad yame haist before the queene cum furth of the kingis house, for gyf she come furth before yai wer reddy, yai wald not find sic commodity. And yan ye pulder being put in polks, the saids lard of Ormistoun, Hob Ormistoun, this deponar, Johnie Hays, Willi Powry, and Pate Wilsone tursit up the powder to the kingis house, and fand Paris at the dur, quha openit the

samyn, and yai assayit to haue taken in the said barrell, and it wald not gang in at the dur, and yan yai listit the samyn, and brocht it back to the zaird, and had in the powder, and tuming it furth of the polks in ane bing and heip upon the flur, evin directly under the kingis bed; and yan ye said laird of Ormestone, Hob Ormiston, and Paris past away, and left the deponar and John Hay within the said house, quhilks tarryit yarein quhill efter twa houres after mydnight, and yan tuk ane hunt, with ane litle tre quharon it lay, and placit ye same, ye ane end in the powder, and fyrit ye vthir end, and cam yair way, and lockit ye thre duris behind yame; and at yair cuming furth to the zaird, yai fand my lord Bothwell, Geordie Dalgleish, Pat Wilson, and Willie Powry; and my lord speirit at them, gyf yai had done all things as was ordourit: and yai said, zea; and yai tarryit upon ane quarter of ane hour yaireftir, and my lord thocht lang, and speirit gyf yair was ony part of the house yat they mycht se the lunt gyff it was burnand anouch, and yai said, yare was nane but ane wundo quhilk was within ye clois, and as they war speeking upon it, the house begouth to take fyre and blew up, and yai ran away, and cum up Black Freir Wind, and zeid down ane clois to haif gottin over the broken wall at Leith Wind, but my lord thocht it over heich to loup, because of his sair hand, and swa returnit to ye Neddir Bow, and walkynit John Galloway, portar, quham yai gart cum down and opin the get; and Willie Powry, Paris, and John Hays, zeid evin down the Cannongait, and my lord, the deponar, Pat Wilson, and Geordie Dalgleish, zeid down Saint Mary Wind, and behind the zairds unto my lordis ludgeing in the abbey. And in yair byganging, twa of the watchis spirit, quhat yai were, and ye deponar answerit, we are servands of the erle Bothweill, gangand to him with news out of the town; and swa my lord passit to his bed, and yis deponar lay down in

ane bed in ye hall. And sone yareftir Mr. George Hackett came in, quha told, yat the house of the Kirk of Field was blawn up in the hair, and the king slane. And within short space yairafter my lord Huntley came in, and my lord Bothweill raiss and put on his claithis, and passit into the queenis house. And the deponar tatryit sum tyme yareftir, and cumand furth, fand the abbay zeit closit, and yan ye deponar fand the said John Hay in his bed in John Hepburns, and lay down with him.

Item. Deponis, yat yare wes fourteen false keys maid for oppyning of all the lockes of the dures of the kingis ludgings at the Kirk of Field, quhilk the deponar, eftir the committing of the said murther, keist in the quarie hole betwix ye abbay and Leith.

Thir ar ye true copies of the depositionis of the said John Haye zounger of Tallo, and Johne Hepburne callit of Boutoune, maid in presence of my lord regent, and the lords before mentionit, in manner befor expremitt, concordant and agreand with the originalis, quhilks are remainand in the justiciarie, collationate be me Sir John Bellenden of Auchinoul, knight, clerk of our soverane lordis justiciary.

JOHANNES BELLENDEN, *Clericus Justiciarie.*

*The Tryal and Sentence of the saids William Powrie,
George Dalgleish, John Hay, and John Hepburn.*

*Curia justiciaria S.D. N. regis, tenta & inchoata in pratorio de
Edinburgh tertio die mensis Januarii, anno Domini millesimo
- quingentesimo sexagesimo septimo, per honorabilem virum ma-
gistrum Thomam Craig, justitiarium deputatum nomine no-
- bilis & potentis domini Archibaldi comitis Argadia, domini
Campbell & Lorne, justiciarii generalis dicti S. D. N. R.
totius regni sui generaliter constituti. Sectis vocatis &
curia affirmata.*

THE quhilk day, Johne Hepburne callit of Bolton,
Johne Haye, apperand of Tallo, Williame Powrie and
George Dalgleish, being present in judgement in the said
court, to be accusit of the dittay after-specifeit, were putt
to the knowledge of the persons underwritten, quhilk were
lawfully summoned to pass upon yair asize, choisin and ad-
mittit be thameselues, and sworn to deliver upon the points
of the said dittay, viz.

John Lockart of the bar,	John Stoddart yair,
The Laird of Caprinton,	Williame Strang,
James Campbell of Chankstoun,	James Freeman Burges of
Heugh Wallace of Carnell,	Edinburt,
The Laird of Mochrum,	Heugh Brown yair
William St. Clare in Gosfoird,	Charles Geddes,
Laird of Gastoun,	John Watson,
Robert Gray Burges of Edin-	James Aickman.
burt,	

And immediately aftir the chesing and swering of the
saids personis of assys, as use is, the foresaid John Hep-

burne, John Haye, William Powrie, and George Dalglishe, being accusit be dittay, oppinly read in judgement, of the crymes following; and efter the reding alswa in jugement of certain answeris and depositionis maid be thame of before at particular examinationis of yame upon ye saidis crymes, quhilks yai recognoscit, and confessit to be of verity in presence of the saidis personis of assys, the said personis of assys removit furth of the said court, and all togidder convenit and ressonit upoun the pointis of the said dittay, togidder with ye saidis depositionis, and syne being yairwith rypely avysit, reinterit in the said court of justiciarie, and yair, in presens of the said justice-depute, be yair deliverance pronouncit and declarit be ye mouth of the spekir John Lockart of the bar, chancilar of the said assys, fand and deliverit the saids Johne Hepburne, John Hay, William Powry, and George Dalglishe, to be culpable, fylit, and convict of art and part of the cruel, shamefull, tresonabill, and abhominabill slauchter and murther of umquhill the kingis grace, fadir to our soverane lord, in his awin ludging for the tyme, within the burgh of Edinburt, besyde the Kirk of Field, quhair he was lyand in his bed, taking the nychts rest, treasonably risand fyre within the same, with ane grite quantitie of pouder, through force of the quhilke the said haill lugen wes raisit and blawin in the air, and his grace was murderit tresonably, and maist cruelly slane and destroyit by yame yarein: and als, for art and part of the crewall slauchter and murthor of umquhill William Tailzor his graces servitour, and umquhil Andro Macaig, tresonably throw raising of the said fyre, as said is, committit in the company with James sumerime erle Bothwell, now rebel, and declarit traitor in parliment, and at the Horn, in the moneth of Februarie last bypast, under seilence of nycht, upon sett purposes, provisioun, and forthought felonye.

And thairfoir the said justice-depute, be dome pronuncit be the mouth of Andro Lindesay, dempstar of the said court of justiciarie, decernit, ordanit, and adjudgit the saidis Johne Hepburne, Johne Haye, Williame Powrye, and George Dalglish, to haif comittit the crymes of treason and lese majestie; and as manifest traytours to be demanit as followis, that is to say, the said Johne Hepburne, John Haye, William Powrye, to be hangit to the deid on ane gibbet at the Mercat Croce of Edinburt, and yair heddis, leggis, and armis, to be cuttit from yair bodies, and put up and hangin (as for example) on the portis of Edinburgh, and vther portis of the principall borrowis of yis realme, and yair bodies to be brynt and consumit in fyre besyde the said gibbett. And the said Gebrge Dalglish to be hangeit to the deid, and his heid to be cuttit fra his bodye, and put upon the port of Edinburgh. And siclyke, decernit and ordanit the saidis personis, and ilk ane of yame, to haif foirfaulted and tynt all and sundrye yair landis, heritages, possessionis, talkis, steddingis, lyferentis, actionis, debtis, and all vthers yair guds, moveables, and unmoveables, to be inbrocht, and remaine with ourc soverayne lord, as his escheat.

Extractum de libro actorum adjournalis S. D. N. Regis, per me Johannem Bellenden de Auchinoule, militem, clericum justiciaria ejusdem generalem, sub meis signo & subscriptione manualibus.

JOHANNES BELLENDEN Clericus Justiciarie.

The Confessioun of John Habroun, young Talla, Dagleish and Pourie, upon quhom was Justice execute the 3d of Januarie, the yeare of God 1567.

JOHN of Bowton confessit that nyne was at the deid doing, my L. Bothwell, the lord of Ormistoun, Hob Ormistoun, himself, Talla, Dagleish, Wilson, Pourie, and Frensch Paris, and that he saw na moe, nor knew of na other companies.

Buchanan's
Detection.
English
Edit.

Item. He knowis nat other but that that he was blowin in the ayre, for he was handilit with na mēns' handes as he saw, and if he was, it was with others and not with thame.

Item. As touching Sir James Balfour, he saw not his subscription, but I warrand you he was the principall counsallar and deviser.

Item. He sayd, I confesse it is the veray providence of God that hes brought me to his judgement, for I am led to it as an horse to the stall, for I had schippis providit to flie but could not escape.

Item. He sayd, let no man do evill for counsall of great men, or thayr maysters, thinking thay shall save thame, for surely I thought that night that the deid was done, that although knowledge should bene gotten, na man durst have sayde it was evill done, seing the hand writtis and acknowledging the Quenis minde thairto.

Item. Speaking of the Quene in the Tolbuith he sayd, God make all weill, but the langer deirt is hydden, it is the stronger. Quho lives, our daithes will be thought na newis.

Item. Hinmest he confessit, he was ane of the principall doers of the daith, and thairfoir is justly worthy of daith, but he was assurit of the mercy of God, quho callit him to repentance.

ITEM. Talla confessit *ut supra*, agreing in all pointes as concerning the parsons, number, and blowing in the ayre.

Item. He affirmit, that in Setoun my lord Bothwell callit on him and sayd, quhat thought you quhen thou saw him blowen in the ayre. Quho answerit, alas! my lord, quhy speake ye that, for quhen ever I heare sic a thing, the wordes wound me to death, as they ought to do you.

Item. That same tyme he saw Syr James Balfour put in his owne name and his brother's unto my lord Bothwelles remissioun.

Item. He knew of the deid doing three or four days or it was done, or thereby.

Item. He sayd, after that I came to the court, I left the reading of God's worde and imbrastit vanitie, and thairfoir hes God justly brought this on me.

Quhairfoir let all men flee evill cumpany, and to trust not in men, for redy are we to imbrace evil, as redy as hardes to receive fyre. And furthur, in the Tolbuith he requirit John Brande, minister of the congregation, to passe to my lord Lindsay, and say, my lord, hartily I forgeve your L. and als my lord regent, and all others, but specially tham that betrayit me to you, for I know if ye could have savit me ye would, desiring you, as ye will answer before God in the latter day, to do your diligence to bring the rest quho was the beginners of this worke to justice, as ye have done to me, for ye know it was not begunne in my head, but yit prayses God that his justice hes begunne at me, by the quhilk he hes callit me to repentaunce.

ITEM. Daglishe sayd, as God shall be my judge, I knew nothing of the kinges daith befor it was done, for my lord Bothwell gangand to his bedde after the taking of of his hose, quhilke was stockit with velvet, French Paris cum and

foundit with him, and thairefter he taryed on me for other
hose and claithis, and his riding cloke and sworde, quhilke
I gave him, and herefter cum up the gait to the lord of
Ormistoun's lodging, and taryit for him, and therefter that
he passit to ane Wynd beside the Blacke Fryers, and cum to
the slope of the dike, quhaire he gart me stand still; and
as God shal be my judge, I knew nathing quhill I heard
the blast of powder; and after this he cum hame, lay downe
in his beid, quhill Mr. George Hakit cum and knockit at
the doore, and if I dye for this, the quhilke God judge me
gif I knew maire, quhat shal be done to tham quho was
the devisers, counsallars, subscribers, and fortifiers of it,

No. XXV. Vol. II. Page 18.

The Evidence of Thomas Nelson concerning the murder of King Henry Darnley.

Marked with Secretary Cecil's hand.

Anderson,
vol. iv. p.
165.

THOMAS NELSON, sumtyme servand in the chambir to wmquhill King Henry of guide memory of Scotland, examinat upoun his conscience, declaris that he was actuall servand to the king the tyme of his mwrthour and lang of befoir, and came with him frome Glasgow the time the quene convoyit him to Edinburgh.

Item. The deponar remembris it wes dewysit in Glasgow, that the king suld haif lyne first at Craigmyllare: bot becaus he had na will thairof the purpois wes alterit, and conclusioun takin that he suld ly besyde the Kirk of Feild, at quhilk tyme this deponir belevit evir that he suld haif had the duikis house, and knew na uther hous, quhill the king lychtit, at quhilk tyme he past drectlie to the said duikis hous, thinking it to be the lugeing preparit for him: bot the contrare was then schawin to him be the quene, quha convoyit him to the uthir hous, and at his cuming thairto, the schalmir wes hung, and ane new bed of black figurat welwet standing thairin. The keyis of the lugeing wes partlie standing in the durris, and pairtlic deliverit to this deponir be Robert Balfour awnir, all exsept the key of that dur, quhilk passit throuth the sellare and the town wall, quhilk could noht be had, and thairfore Bonkle in the sellare said, he suld clois it weill aneuch within, quhlkis keyes wes keppit and usit be this deponir, and utheris the

kingis servandis, quhill the quenis cuming to the lugeing, at the quhilk tyme, the key of the laich chalmir undir the king quhair sche lay tua nytis, viz. the Wednesday and Fraday befor his murthour, with the key of the passage that past toward the gardin, wer deliverit in the handis of Archibald Betoun, as the deponir remembiris, quhilk Archibald wes yscheare of the quenis chalmer dour, befor quhilk tyme of the quenis lying in the kingis lugeing the tua nytis above namyt, sche causit tak doun the uttir dour that closit the passage towart baith the chalmeris, and causit use the samyn dour as a cover to the bath fatt quherin he wes baithit : and sua ther wes na thing left to stope the passage into the saidis schalmiris, bot only the portell durris, as alsua sche causit tak doun the said new blak bed, sayand it wald be sulzeit with the bath, and in the place thair of sett upe ane auld purple bed that wes accustomat to be carit, and the saidis keyis that wer deliverit in the handis of Archibald Betoun remanit still in the handis of him and utheris that awaitit upon the quene, and nevir wer deliverit agane to the kingis servandis : for sche sett upe ane grein bed for hir self in the said laich chalmir quherin sche lay the saids tua nytis, and promist alsua to haif bidden thair upoun the Souday at nyt. Bot eftir sche had tareit lang and intertenit the king verey familairlie, sche tuk purpose, (as it had bene on the suddan) and departit as sche spak to gif the mask to Bastiane, quha that nyt wes mareit hir servand ; namelie, the said Archibald Betoun, and ane Paris Francheman havand the keyis of hir schalmir, quherin hir bed stuid in, as alsua of the passage that past towart the gairding : for quhen the quene wes thair, hir servandis had the keyis of the haill houss, and durris at hir commandement, for upon the nyt sche usit with the lady Rereis to ga furth to the gairding, and ther to sing and use pastyme. Bot fra the first tyme that sche lay in that lugeing, the kingis

servandis had nevir the key of hir said schalmir agane. The quene being departit toward Halyrud hous, the king within the space of ane hour past to bed, and in the chalmer with him lay wmquhill William Taylyour. This deponir and Edward Symonis lay in the litill gaylery, that went dervict to sowth oute of the kingis schalmir, havand ane windo in the gawill throw the tounwall, and besyde thame lay William Tailzeir's boy, quhilks nevir knew of ony thing quhill the hous quherin thay lay wes fallin about thame : oute of the quhilke how sone this deponir could be red, he stuid upoun the rwynous wall quhill the pepill convenit, and that he gat claithis and sua depairtit, quhill on the Monounday at efter none he was callit and examinat, and amangis utheris thingis wes inquiret about the keyis of the lugeing, this deponir schew that Bonkle had the key of the sellare, and the quenis servandis the keyis of hir schalmir : quhilk the laird of Tulybardin hering said, hald thair, heir is ane grund, eftir quhilk wourdis spokin thai left of and procedit na farther in the inquisition.

No. XXVI. Vol. II. Page 32.

*Letter from Lord Hunsdown to Sir William Cecil,
from Berwick, 30th August, 1569.*

WHEREIN he says he received a letter of the 23 of August with the Q. Majestys letter, and my lady Lennox packet, and towching Paris, he was put to death a fortnight since, and so was Stewart, who was king of heralds, which had determined to kill the regent, but he was forgiven for that, and was burnt for conjuration and witchcraft.

From Anderson's
Notes of
Letters in
the Paper
Office.

Letter from Murray to Elizabeth, without date.

PLEASE it your majestie, I have of lait ressavit three letters of your hienes, the first by my servant Alexander Hume, the next from ane Mr. Tho. Flémyng, and the third be my lord governour of Berwicke, for the differing of the executioun of death upoun ane Paris Fransheman.—

From Anderson's
Notes. Paper
Office.

As to that quhilk your majestie writtes of ane Paris, a Franshman, partaker with Ja. sumtyme E. Bothwele, in the murther of the K. my soverains fader, trew it is, that the said Paris arrivit at Leyth about the middes of June last ; I at that time being in the north partes of this realme far distant, quhair upon it followed, that at my returning, efter dilligent and circumspect examinatioun of him, and lang tyme spent in that behaulf, upoun the xvi. day of August bypast, he sufferit death by order of law, so that before the récept of your hienes letter be the space of 7 or 8 dayes, he wes execute. Otherwyse your majesties requisitioun towardis the diferring of his executioun by way of death suld have been maist willingly obeyed, the same bring-

and with it sa gude reason. Bot I trust his testimonie left sal be fund sa authentik, as the credit thair of sall not seame doubtfull neyther to your hienes, neyther to thame quha be nature hes graitest cause to desire condigne punishment for the said murther.

Deposition of Paris, Servant to the S. Q. and present at the Murder of her Housbonde.

Cal. B. ix. Fol. 370.

Sensuyt la declaration et deposition de Nycollas Haubert dict Paris, Paresien, touchant la morte et meurtre du feu Roy Henry d'Escosse : au meurtre duquel le dit Haubert estoit present, avec le Conte de Boduel et les autres ses adherens : Ceste deposition fut faicte a Saint Andrieu, sans ce que le dit Paris fut contrainct ni interrogué, de son propre mouvement et vouloir pour s'en descharger comme il deist, et ce le ixme. jour d'Aoust, 1569.

Et primierement, il deist,

JE confesse icy devant Dieu et le monde que le Mercredy ou le Jeudy après disner de la sepmain donct le dict meurtre du feu Roy fut commis, moy estant en la chambre de la Roynne à Kerkasfield, en compaignye de plusesieurs aultres attendant la Roynne, qui estoit à la chambre du Roy, Mons. de Boduel vint à la chambre de la Roynne la ou j'estois, et me deist en l'aureille, Paris ie me trouve mal de ma maladie que tu sçais qui est mon flux de sang, ne sçais-tu point quelque lieu la ou ie porray aller faire mes affaires ? Ma foy, ce dict-ie, je ne fut jamais icy qu'à ceste heure-cy, mais ie m'en vois chercher quelque lieu. La-dessus ie trouve ung coing ou trou entre deux portes et le va dire, Mons'. venes-vous-en, sy vous estes otant pressé ; et estans

la dedans, ie ferme la porte sur nous, et luy osté sa robbe, commençant à le destascher. Il me regarde, et me demande comment ie me portoyz ? luy disant que ie me portoyz bien, la grace à Dieu et a luy, me tenant pour bien recompense du service que luy avois faict de m'avoyer faict donner l'estat de varlet de chambre ches la Royne. Il me respondist que ce n'estoit pas asses, et qu'il me feroit davantage. Je luy dis que ie me contentois, et que ie ne pouvoys davantage à la maison de la Royne, voyant mon equalité, et que ie m'en contentois. Il me dict que ie ne chomneroyz de rien que ie luy dise, car disoit-il, tu m'ais faict bon et loyal service depuis que tu m'a servy ; car ie sçay que tu as couvert mon deshonneur que tu avois occation de fouller quant tu vins de mon service hors d'Angleterre. Mons'. ce dict-ie, ie nay faict que tor de serviteur. Et bien, ce dict-il, pour autant que ie t'ay trouvé fydelle serviteur, ie te veulx dire vne chose, mais il te fault garder sur ta vie que nul ne le sache. (Mons'. ce di-ie) il n'appertient au serviteur quant le maistre luy dit quelque chose de le reveler, et s'y est chose que vous pensez que ie ne puisse garder, ne me le dictes point. Sçais-tu (ce dict-il) que cest ; cest que sy ce Roy-là qui est la d—— a jamais les pieds sur nous aultres seigneurs, il nous vult dominer et estre cruel, et de nous autres siegneurs ne le voullons pas souffrir, et aussy ce n'est la façon de ce pais, et pour cela nous avons conclud nous aultres de le faire sault—de dedans ceste maison en l'air avecques de la pouldre, de oyant ie ne le dis mot ains baisse la veue basse mon sens et mon cueur ce tourne de l'avoyr ouy ainsy parler. Il me regarde, me demandant que ie pense ? Mons'. (ce di-ie) je pense à ce que vous me dictes, qui est une grand chose. Qu'en pense tu ? (ce dit-il) Que j'en pense, Mons'. ? (ce di-je) vous me perdonnerez sy ie vous die selon mon pouvre esprit ce que i'en pense. Que veulx tu dire ? (se dit-il) tu veulx prescher. Non, Mons'.

vous orres. Et bien (se dit-il) dis, dis. Mons'. (ce di-je) depuis cinq ou six ans que ie vous ay fait service ie vous ay tousiours veu en grands troubles, et n'ay sceu jamais voyr d'amis qui ayent fait pour vous ; maintenant, Mons'. vous estes hors de tous ces troubles, la grace à Dieu, et plus en court à ce que tout le monde dict que jamais ; pour ma part ie voye que chascung vous fait la court, petis et grands, mais ie ne scay pas que vous rit qui vous veult veoyr aultrement, ie ne scay pas vous estes du pais Mons'. Davantage l'on dict que vous estes le plus grand terrien de ce pais icy, et aussy que vous estes marie qui est l'heure quant vng homme prend ce ply la que il ce fault arester ou jamais. Maintenant, Mons'. sy vous entreprenes ceste chose-là qui est grande, ce sera le plus grand trouble que vous eustes jamais, par dessus les aultres, car chascun cryera ha harault sur vous, et vous le vöyres. Et bien (ce dict-il) as-tu fait ? Vous me perdonnerez, Mons'. s'il vous plaist, sy ie vous ay diest selon mon povvre esprit (ce di-ie). Et beste que tu es (ce dict-il) pense-tu que ie fay cecy tout seul de moy mesme ? Monsieur, ie ne scay pas comment vous le faictes, mais ie scay bien que ce sera le plus grand trouble que vous eustes oncques. (Ce dict-il) et comment sera-ce ? car i'ay disia Leddington qui est estymé l'ung des meilleurs espricts de ce pais-cy, et qui est l'entrepeneur de tout cecy ; en apres j'ay Mons'. d'Argyle mon frere, Mons'. de Hontlye, Mons'. de Morton, Ruthen, et Lindesay. Ses trois-là une foyz ne me fauldront jamais, car j'ay parlé pour leur grace ; et ay tous les signes de ceulx-cy que ie t'ay nommes, et aussy avons envie de le faire dernièrement que nous fusmes à Cragmiller, mais c'est que tu es un beste et povvre d'esprit, qui ne merite d'entendre chose de consequence. Ma foy, Monsieur (ce di-ie) il est vray, car mon esprit n'est point pour telle chose, mais bien pour vous faire service à ce que ie porray, et bien bien

Mons^r., ilz vous porront bien faire maistre et principall de ce faict-là, mais quant ce sera faict ilz porront aussy mettre le tout sur vous, et les premiers qui cryeront ha harault apres vous, et les ceulx qui vous boutteront le premier à mort, s'ilz peuvent. He ! Mons^r., ie vous prie m'en dire d'ung que vous ne m'aves point nommé ; ie sçay bien que cestuy-la est aymé en ce pais du commuen peuple, et aussy de nous autres François, que quant il gouvernoyt l'espace de deux ou trois ans, il n'avoyt point de troubles au pais, tout le monde ce portoit bien, l'argent corroit, maintenant on ne peult veoyr homme qui ayt moyen, et ne voyt-on que troubles; cestuy-la est sage et sy a des amys allies. Qui est cestuy-la ? (ce me dict-il). Cest Mons^r. (ce di-ie) Mons^r. le Conte de Morra : je vous prie me dire quelle part cestuy-la prend ? (Ce dit-il), il ne se veult point mesler. Mons^r. (ce di-ie), il est sage. Adonc Mons^r. de Boduel retorne la teste vers moy et me deist; Mons^r. de Morra, Mons^r. de Morra, il ne veult n'ayder ne nuyre, mais c'est tout ung. Bien, bien, Mons^r. (ce di-ie) il ne le faicte sans cause, et vous le voyrez. La-dessus il me commande de prendre la clef de la chambre de le Royne à Kirkafilde. Je luy dis, Mons^r. vous me perdoneres, s'il vous plaist, pour autant que ie suis estrangier, et aussy que ce n'est mon estat, l'huyssier me porra demander que i'en veulz faire et il aura raison. Et pourquoy (ce dit-il) n'est-tu vallet de chambre de la Royne ? Il est vraye, Mons^r. (ce di-ie) mais vous sçavez qu'à la maison d'ung prince chasque officier à son office, et entre les autres l'huyssier a le sien, l'estat duquel est de garder la clef de la chambre. Pourquoy donc (ce dict-il) t'ay-ie mis à la chambre de la Royne sy non pour en tyrer du service ? Helas ! Mons^r. (ce di-ie) c'est bien pour vous faire service à ce que ie porrois, mais ie pensois en moy mesme sans rien dire (le craignant) si j'eusse pensé telle chose, jamais la chambre ne m'eust chambree. La-dessus il s'en

alla de moy de ce trou ou coing-la, ou il avoit faict ses affaires. Luy estant party de moy, je prens mon manteau et mon espee et m'en voys pormener dans la grand esglise, et pensoys en beaucoup de fortunes que j'avoys du passé eschapies de luy, et commençois à remercier Dieu qui m'avoit delivré d'aveques luy, luy demandant du bon cuer d'estre hors de sa compaignie pour autant que ie congnoyssois ses vices fort terribles, et principalement ung donct l'on dict que j'en suis sy bon serviteur, me reportant à Dieu, qui congnoit ce que luy en ay dict, comment ce seroyt sa ruyne. Plus de six ans il y a, et qu'il soit ainsy qu'on demande au lard de Petincreif, qui a ouy parler pourquoy je sortis de son service hors d'Angleterre : il me battist et me tormentast à coups de pied sur le ventre, pour me faire faire chose que ie n'avoys envie de faire, donct il m'en à remercié en Escosse, que i'avoys couvert son honneur la ou i'avois occasion de le fouller. Apres avoir pensé à tout cela pour me resouldre de ce faict meschant que i'avoys entendu et qu'il m'avoit dict, ie demande à mon Dieu, qu'il me conseillast voyant le faict sy grand il estonnoit mon esprit, et que sy à ceste heure-la Mons^r. du Croque eust esté en ce pais, ie n'eusse point esté en ceste peine icy. Quant ie vis qu'il ny avoit aultre remede que d'avoyr patience, et qu'il ny avoit chemin pour m'en aller sy non par Angleterre, la ou j'eusse esté prins et arresté per faulte de passeport, et aussy que cest trahayson contre le prince au serviteur de s'en aller sans congé, et aussy que ie ne sceu prouver pourquoy ie m'en allois sy non per Mons^r. de Bodvel qui ne m'eust iamais advoue; voyant comme chascun peult pensier que cela gysoit beaucoup à son honneur, et à des aultres Seigneurs à ce qu'il me disoit. Or doncques ce chemin-la ne me vallut rien, je me resoulz dessus ung poynt que sy ce meurtre ce feroit de brief c'estoit ma ruyne, pour autant que ie congnoyssois l'homme qui n'eust iamais failli de moy

commander, et s'il y auroit dix ou douze jours entre deux, j'auray esperance de bien faire, car s'il va navire de quelque coste que se soyt, qu'en Angleterre j'estoys delibere de me desrober pourquoy ie me resoulz au sortier de l'esglise de sca-voyr de luy quant ce seroyt. De Vendredy doncques ie m'en vois à luy à sortier de sa chambre, comme il alloit chez la Royne, et aussytot qu'il me veist il me demande sy ie avoys prins ceste clef. Je luy dis que je regarderoys a le faire ; il me dict que je ne faillisse dont point, car c'estoit à Dymanche qu'ilz vouloyent faire à mettre leur faict en execution. A ceste heure-la je sors d'avecques luy plus fasche que iamais, et m'en vais sur le chemin du petit Leith tout expres pour trouver navire ; et quant ie fus a moytie chemin ie dysoys en moy-mesme, or est-il bon a voy que tu as l'esprit bien perdu, pour autant qu'il ny a plus que de main entre deux, quant ores le vent seroyt bon, as-tu la puissance de louer ou fretter une navire tout seul ou expres ; la-dessus ie m'oste du grand chemin et me destorne à part, priant Dieu de me conseiller, car de faire bruyt de cela j'estoys mort. Ceste jour-la ce passe en ce point, et aussy le Samedy toute la matynée. L'apres disner il me demande encores ceste clef ; je luy dis, Mons^r., hélas ! comment le feray-je ? Pourquoy (ce dict-il) qui t'en gardera ? N'es-tu pas serviteur de la Royne ? Il est vray, Mons^r., mais ce n'est point mon estat de prendre les clefs. Mais dy moy (ce dict-il) et pourquoy ? Une foy ie ne le veulx rien commander en ce faict-la. J'ay des clefz asses sans toy, car il n'y a porté ceans donct je n'ay le clef, car Mons^r. Jacques Balfor et moy avons esté toute la nuycte pour veoyr et chercher le meilleur endroit et passage pour executer nostre affaire, et pour trouver bonne entree ; mais ceste qui tu es une beste, car ie ne te veulx employer en ce faict-la, car j'ay des gens assez sans toy, et aussy que je sçay que tu n'as point de cuer. La-dessus ie entre en la chambre de la Royne, la ou Mar-

guerite et quelques aultres estoyent attendantz la Royne, qui estoit en la chambre du Roy. Adonc le bruyt vint incontenent que la Royne s'en alloyt à l'Abbaie; tout le monde sort hors de sa chambre, et moy le dernier, prenant la clef de la dict chambre, et m'en voys à l'Abbaie apres elle, la ou je trouve Mons^r. de Bodvel, qui me demande sy j'avoys ceste clef. Ouy, Mons^r. (ce di-ie). Il me commande de la garder. Au bout d'une heure Marguerite me prie d'aller à Kirkasfield querir une couverture de maytres à la chambre de la Royne, ce que je fais et prens ung garçon avecque moy et entre en la dict chambre, en presens de Sande Duram le jeune, et le porte-faix du Roy, et feis emporter la dite couverture, le dict Duram me demande la clef. Je luy dis que ce n'estoit pas à moy à la donner, mais bien à l'huyssier, luy pryant de me pardonner. Bien, donc (ce dict-il) puisque ne le me volvez donner. La-dessus ie m'en vins à l'Abbaie à la chambre de la Royne et delivre la couverture à Marguerite, ceste jouer-la de Sabmedy estant ainssy passé, je m'en alloys me coucher.

Le Dymenche matin ie me leve à six heures, et m'en vois pormener dedans le parc, et en ung vallon ie me metz à prier Dieu, et luy demander conseil de ce faict meschant, car ie n'ay sceu trouver aultre moyen que de laisser couller l'eau du russeau qui estoit sy ord, en apres m'estant resolu, je m'en retourne a l'Abbay, la ou ie trouve troys officiers de la Royne, et m'en allay desieusner quant et eulx, et m'en revins a neufue heures à la chambre de la Royne, la ou l'oye nouvelle que Mons^r. de Morray venoit prendre son congé de la Royne pour aller veoyr Madame sa femme: moy entendant ceste parolle l'aperceu incontynent qu'il le faisoit pour se destorner de se faict meschant. La-dessus ie m'en allois me pormener Lastarik et m'en vois soubvenir des parolles que j'avoys dictes du dict Seigneur de Mor-

* The reader will correct a mistake in the first volume: p. 33, n. vii, that Durham carried the coverlet to the abbey.

ray à Mons^r. de Bodvel, et aussy ce qu'il m'en avoit respondu. A ceste heure-la ie dis en moy mesme, O Mons^r. de Morray tu es homme de bien, pleust à Dieu que tu sceus mon cueur, je n'auray pas tant de mal que j'ay ; et ayant bien pense je m'en revins à la chambre de la Royne, la ou elle alloit disner auz noces de Bastien ; toutes-fois je m'en allay disner à la ville et apres disner me promener, et estant revenu j'entendis que la Royne alloyt souper chez Mons^r. d'Argylle, la ou j'estois derrier elle luy servant desciant, et comme elle lavoyt ses mains apres souper, elle me demande sy i'avoys osté la couverture de maytre de sa chambre au logis du Roy ? Je luy dis qu'ouy ; lors les seigneurs se levent de table, donc Mons^r. de Bodvel m'appelle, et me mène seul avecques luy au logis de sa mere, la ou il ne fust gueres qu'il s'en alla au logis de Lard d'Ormiston, parler à luy et à son frere Hobe, et nous prend tout troys avecques luy et s'en va à Cougait et parle à Jehan Hay et à Jehan Hepbron, qu'il trouve à la rue. Apres avoir parle à eux, il s'en va tout seul et moy au logis du Roy, et à mye chemin au logis il me dict, or sçais-tu qu'il y a, tu t'en yras à la chambre de la Royne à Kirkefield, et quand Jehan Hepbron, Jehan Hay, et le Lard Ormiston entront, et qu'ilz auront faict ce que ilz ont envie de faire, tu sortyras et t'en viendras à la chambre du Roy, ou tu t'en yras la ou tu voudras. Helas ! Mons^r., (ce di-je) vous me commandes ma mort. Et pourquoy (ce dict-il) te commande-je de faire quelque chose ? Il est veritable, ce di-je, Mons^r., mais ie sçay bien que cest ma mort. Mais dis moy pourquoy (ce dict-il) sy ie te commandois de faire ce que les aultres font, tu le pourrois dire, mais ie sçay bien que tu n'as point de cueur ; une fois les aultres n'ont qu'à faire de toy, car ilz entrent bien sans toy, car ilz ont des clefz asses ; il n'y a porte ceans donct ilz n'en ayent les clefz. Bien, Mons^r. (ce di-ie) ie m'y

en voys. La-dessus il se départé de moy et s'en vais au logis du Roy, et entre en sa chambre, la ou estoit la Royne et aucuns des Seigneurs, et ie m'en vins à la petite court, entre à la cuisine demandant une chandelle au ctrysnier que j'alumis. Sur ces entre faictz voicy Jehan Hebron et Jehan Hay qui entrent en la chambre, la ou i'estois et portoys de la pouldre dedans des sacz qu'ilz misrent au milieu de la dict chambre. En ce faysant voycy Mons^r. de Bodvil, qui survient et parle au eulx dysant, mon Dieu que vous faictes de bruyt, on oyt d'enhault tout ce que vous faictez, et ainsy me regarde et me demande ce que ie faysoys, et que ie m'en allasse à la chambre du Roy apres luy, ce què je feis, et me trouve aupres de Mons^r. d'Argylle, avec qui Mons^r. de Bodvel parloit, et le dict Seigneur d'Argylle m'accaroyssoyt et me touche sur le dos sanz me dire mot. Et n'estant en la chambre du Roy la longueur d'une pater noster que la Royne s'en va vers l'Abbaye et monte là ou estoit les nopces, et moy ie m'en vois en ung coing la ou Mons^r. de Bodvel me vint trouver, me demandant ce que j'avoys d'ainsy faire la myne, et que sy ie la faysoys ainsy devant la Royne, qu'il m'accoustroit en telle façon que ie ne fus iamais. Je ne m'en soucy pas (ce di-ie) que vous faictes de moy à ceste heure-cy, vous priant me donner congé de m'aller coucher, car ie suis mallade. Non, ce dit-il, veulx que vous veniez avecques moy; voulez vous laisser ces deux gentilhommes-là Jehan Hay et Jehan Hepbron ? Helas ! Mons^r., ce di-ie, que feres vous davantage pour moy, car mon cueur ne me peult servir à telle chose ? Je veulx que vous venies (ce dict-il), or bien donc Mons^r. (ce di-ie) allons. La-dessus il s'en va à sa chambre changer d'habillementz et prend le tailleur et moy avecques luy, et s'en va au jardin du logis du Roy, la ou le tailleur demeure à la muraille. Et moy aupres, le dict Seigneur de Bodvel s'en va à la porte du jardin, et puis

revint vers nous, la ou Jehan Hepbron et Jehan Hay s'en veindrent et incontynent comme ilz avoyent parlé à luy, voyla comme ung tempeste ou ung tonnoyre qui va eslever, de la peur que j'eue ie cheus en terre les cheveulx dressés comme allaines dysant, hélas ! Mons^r., qu'est ce cecy ? Il me dicte, je me suis trouve à des enterprises grandes, mais iamais entreprise ne me fait sy grand peur que cestycy. Je luy dis, per ma foy, Mons^r., de telle chose que cecy il n'en viendra iamais bien, et vous le voyres. O beste (ce dit-il) me menacent de me fraper de sa dague, mais ne la tire point. Là-dessus il commence à s'en aller bien viste, et nous apres luy, et s'en cuydoit aller per Leyth Wynd, mais il ne sceut. Il envoya donc Hepbron parler à portier pour ouvrir la porte, et qu'aussy le monde comencoyt à venir, il s'en va per derrier le Cannongait, et Jehan Hay et moy nous en allasmes la grand rue. Je disoys à Jehan Hay à telle chose que cecy n'en adviendra iamais bien. Il est vray (ce dit-il) nous avons bien offensé Dieu, mais il n'y a remede, il se faulte monstrier vertueux et prier Dieu. Hélas ! (ce di-je) Mons^r. m'a menacé de me frapper de sa dague, mais je voudroys bien qu'il l'eust fait pour mon honneur. Paris, ce dict-il, prenes en patience, car vous congnoysses bien l'homme. Là-dessus ie m'en allay coucher dans mon lict et luy au sien, mais je ne sçay ou, moy estant levé le Lundy matin envyron sept ou huit heures, je m'en vins à la chambre du dit Seigneur de Bodvel, et incontynent qu'il me voyt il me demande que j'avoys à faire là, mine ? Je luy dis que j'avoys que jamais or n'y argent ne me remettroyt en point que j'estoys. Pourquoi ? (ce dict-il) Porce, Mons^r. que ie sçay bien que je sera pris pour le principall de ce fait-cy. Ha ! ouy (ce dit-il) tu es bien homme que ie voudroys bien prendre pour ung tel fait. Là-dessus il s'en va en bas en une chambre et

m'envoye querir par le dit tailler la où il avoit en la chambre le Lard Ormeston, Hobe Ormiston, Jehan Hepbron, Dagliche, Porrey et moy.

Mons^r. de Bodvel me demande que j'avoys à faire telle mine, et sy i'avoys promis quelque chose au Roy, et s'il estoit mon maistre? Non, Mons^r. (ce di-ie). Et voye-tu point (ce dict-il) ces gentilhommes qui ont terres, rentes et revenues, femmes et enfans, et ont tout vollu abandonner pour me faire service, et si tu pense avoir offensé Dieu, le peche n'est en toy, cest à moy, car je t'ay commandé, et tu ne seroys estre repris de ce faict, car ce sont les Seigneurs mesmes de ce pais, avec moy, qu'avont commis le cyrme, et vouldroys qu'il meust coste oo...escus et ne t'en avoyr iamais parlé. Per ma foy, Mons^r. (ce di-ie) ie la vouldrois bien, or bien Paris il se fault monstrier vertueux, et pour toutes les irheues du monde, il ne fault rien dire, et s'y vous avez envie de vous en aller, vous vous en yres bientost, et du depuis ie l'ay demandé congé plus d'une demye dousaine de fois, et ne le scue iamais avoyer; et voyla tout ce que ie say touchant ce faict.

Cal. C. I. Fol. 318.

10 Aug. 1569.

A Sanct Andre le dixieme jour d'Aoust, 1569, Nicholas Howbert dict Paris à esté interrogué sur les articles et demandes qui s'ensuyent, &c.

Et premierment,

INTERROGUE quant premierment il entra en credit vers la Royne. Responce que ce fust comme la Royne estoit à Callendar allant à Glascou, qu'alors elle luy bailla une bourse la ou il avoit environ 3 ou 4 cens escus, pour la porter à Mons^r. de Boduel, lequel, apres avoir receu la dicte boursse sur le chemyn entre Callendar et Glascou, luy dict que le dict Paris s'en allast avecques la Royne, et qu'il se tint pres d'elle, et qu'il regardast bien à ce qu'elle feroit, luy dysant que la Royne luy donneroyt des lettres pour les luy porter; la Royne estant arryué à Glascou luy dict, je t'envoyeray à Lislebourg, tiens-toy prest, et ayant demeure la deux jours avecques la dict dame, laquelle escript des lettres et luy les baille, dysant, vous dires de bouche à Mons^r. de Boduel qu'il baille ces lettres qui s'adressent à Mons^r. de Ledington à luy mesmes, et qu'il parle à luy, et voyes le parler ensemble et regardes la façon de faire, et quelle mine ilz feront, car c'est, ce disoyt-elle, pour savoyr lequel est meillieur pour loger le Roy à Craigmiller ou à Kirkafeild, affin d'avoyr bon air; car, s'il logoyt à l'Abbaye, le Prince pourroyt bien prendre sa malladie, à cause que ses serviteurs ne pourroyent leur en garder d'aller veoyr le Prince: en oultre qu'il dict au dict de Boduel que le Roy la vouldoyt baiser, mais elle ne pas voullu de peur de sa malladye, chose que Reress en tesmoigneroyt bien. Et

plus (ce dict-elle) vous direz à Mons^r. de Boduell que je ne va jamais vers le Roy que Reress-n'y est, et voyt tout ce que je fais. *Item*, la Royne luy dict, Paris hastes-vous de revenir, car je ne bougeray dicy jusques au temps que vous m'aures raporté la response.

Estant le dict Paris arryvé à Lislebourg trouve le dit de Boduel en son logis à l'Abbaye, lequel luy dist, ha ! Paris, tu es le bien venu. Mons^r., ce dict-il, voycy des lettres que la Royne vous envoie, et aussi à Mons^r. de Liddington, vous pryant de les luy delivrer, et que je vous vis parler ensemble, pour veoyr vos façons de faire, et comment vous vous accordiez ensemble. Fort bien, ce dict-il, car j'ay ce jourdhuy parlé à luy, et luy a donné une haquene. Le lendemain le dict Paris dict qu'il vint au logis du dit de Boduel par troys foys le chercher à 8, 9 et 10 heures, et ne le sceut jamais trouver, mais à la fin Powrye le portier luy dist, qu'il l'allast chercher à la haulte ville, que peraventure il le trouveroyt en quelqz lieu au conseil, et l'ayant cherché il voyt venir une troupe de gens de vers le Kirkafeild, la ou estoit le dict Seigneur de Boiduel et Mons^r. Jacques Balfour, coste a coste ensemble, lequelz s'en alloient disner au logis du dict Mons^r. Jacques. Le dict Paris prya Mons^r. de Boduel de le despescher vers la Royne. Apres disner (ce dict-il) je le feray ; et quant il retourna querir sa despesche apres disner, il trouve le Seigneur de Boiduell et le dict Mons^r. Jacques seulz teste a teste en une chambre, et le dict Seigneur de Boiduel qui escrivoit de sa propre main, et apres avoyr faict, il dist à Paris, voyla ta response, retourne t'en à la Royne et me recommends bien humblement à sa bonne grace, et luy dictes que tout yra bien, car Mons^r. Jacques Balfour et moy n'avons dormis tout la nuyte ains avons mis ordre en toute, et avons apreste le logis, et dictes à la Royne que je luy envoie ce dyamant que tu luy porteras, et que s'y j'avoy mon cueur je le luy

envoyeray trespolluntiers, mais je ne l'ay pas moi. Va t'en à Mons^r. de Ledington et luy demandes s'il veult rescrire à la Royne, ce que le dict Paris faist, et le trouve à la chambre des comptes, et luy demande s'il plasoyt rendre la response aux lettres de la Royne que Mons^r. de Boduel luy avoyt baillies. Ouy (ce dit-il) et la-dessus il prend du papier incontinent et escript, et ayant faict le dict Paris luy dict que la Royne l'avoyt commande de luy demander lequel des deux logis seroyt le millieur pour le Roy, car elle ne bougeray dela jusqu'à ce qu'il l'auroit raporté sa response. Le dit Letingtoun luy respondit que le Kirkafeild seroyt bon, et que le dit Seigneur de Boduel et luy avoyent advise ensemble la-dessus. Ainsy le dict Paris partit pour son aller à Glascou vers la Royne; et estant de retour à Glascou et avoyr faict sôn messaige qui luy estoyt donné des diz Seigneurs de bouche, la Royne luy demande s'il avoyst veu parler Messieurs de Boduel et Lethingtoun ensemble; dict que non, mais que Mons^r. de Boduel luy avoyt dict qu'ilz avoyent parlé de bon vysage ensemble, et que le dict Sieur de Lethingtoun estoyt du tout à luy, et que le logis estoyt prest. *Item*, comme elle retournoyt de Glascou vers Lislebourg avec le Roy à Kallendar, il s'adresse ung homme de Mons^r. de Boduel au dict Paris et luy baille une lettre pour la presenter à la Royne, ce qu'il feist, laquelle luy demanda s'y l'homme estoyt seur. Je pense, ce dit-il, Madame qu'il n'eust voullu vous envoyer homme qu'il n'en fust seur. La-dessus en s'en allant coucher elle rescript une lettre, et y meist dedans ung anneau et la luy bailla pour la bailler au dict homme porteur, chose qu'il feist, pour la rapporter au dict Sieur de Boduel; apres le Royne et le Roy estans à Lythkow, elle dict au dict Paris qu'il vouloit mettre Guilbert Courlle vallet de chambre ches le Roy, pour ce qu'il estoyt de bon esprit, affin de veoyr ce que le Roy feroyt, car elle ne ce

fyoyt point à Sande Duram. Du dict lieu Jehan Hay fust par elle despesché vers Mons^r. de Boduel, auquel elle parla asses long temps, en apres aussy Paris avec des bras-seletz au dit Sieur Boduel (le dict Paris arryvent à Lislebourg luy baille les bras-seletz) lequel Sieur estoyt prest de monter à cheval pour aller trouver le Roy et la Royne, avec lequel le dit Paris retourne au devant du Roy, lequel ils conduyrent jusques à son logis à Kirkafeild.

Interrogué s'il savoyt aucun priveauté entre la Royne et Mons^r. de Boduel durant le temps que le Roy gysoit à Kirkafeild : respond, que Mons^r. de Boiduel luy avoit dict que toutes les nuytz Jehan Hepbron feroyt le guet soubz les galleries à Sancte-croyx, cependant que lady Reress yroyt bien taird le querir pour l'amener à la chambre de la Royne, luy deffendant, assavoyr à Paris, sur la vie de ne dire que sa femme estoyt avecques luy.

Interrogué s'il savoyt de l'entrepris du meurtre du Roy depuis son arryvement à Kirkafeild jusques au jour de l'exécution : respond, que non aultrement que ce qu'il en a desia déposé en sa desposition faite le neuvieme de ce moys, en adioustant que le jour que Mons^r. de Boduel luy avoyt communiqué le faict de meurtre du Roy, qui fust le mesme jour que la Royne couchast au logis du Roy à Kirkafeld, (ainsy comme il y en souvient fort bien) et comme le dit Paris voulloyt dresser le lict de la Royne en sa chambre qui estoyt droyt soubz la chambre du Roy, ainsy que Mons^r. de Boduel luy avoyt commandé lors qu'il parloyt avecques luy au trou la ou il le destaschoyt pour faire ses affaires, le dict Sieur de Boduell deffendist au dit Paris de ne dresser le lict de la Royne droict soubz le lict du Roy, car je y veulx mettre la pouldre en cest endroyt-là ce dit-il. Et ceste mesmes nuyt-là apres que le lict fust dressé en la chambre de la Royne ; ce que je fis au mesme endroyt là ou il me fust deffendu par le dict de Boduel, la Royne me

dist, sot que tu es, je ne veulx pas que mon lict soyt en cest endroyt-là, et de faict le feist oster : par lesquelles parolles j'ay aperseu à mon esprit qu'elle avoyt cognoyssance du faict. La-dessus je prins la hardiesse de luy dire, Madame, Monsr. de Boiduel ma commande luy porter les clefs de votre chambre, et qu'il a envie de y faire quelque chose ; c'est de faire saulter le Roy en l'air par pouldre qu'il y fera mettre ; ne me parle poynt de cela ceste heure-cy, ce dict elle, fais en ce que tu voudras. La-dessus je ne l'osoys parler plus avant. A ceste heure-cy je commence à considerer que j'estoys employé en ce faict meschant, auparavant par parolles couvertes et desguisees estant envoyé de Glascou vers Monsr. de Boiduel, pour scavoynr lequel des logis estoyent le meilleur, et par ce aussy qu'il m'a respondu alors, quant il me renvoye vers le Royne, vous la dires, sy elle vous demande ce que je fais, que j'ay veillé toute ceste nuyt et Mr. Jacque Balfour, pour aprester le logis du Roy. Estant interrogué sy la Royne passoyt plus oultre ceste nuyte sur ce purpos, la dict que non, mais le pressoyt apres plus fort que jamais de parler à elle de pourpos de Monsr. de Boduel de sa femme et de aultres choses. Et estant couchee ne dormoyt point toute le nuyte, ains escryvoit des lettres au dict Sieur de Boiduel, et les envoye par le dict Paris au Sieur de Boduel, envyron onze à douze heures de nuyt, mais riens de creance. Et ayant delivré ceste lettre au dict Sieur de Boduel, il rescript estant au lict et en baillant la responce au dit Paris, il luy dict, dictes à la Royne que je ne dormiray point que je ne escheve mon entrepris, quant je deburoys trayner la picque toute ma vie pour l'amour d'elle.

Et estant de retour vers la Royne Vendredy au matin, luy ayant racompté ces mesmes parolles que luy avoyt dictes Monsr. de Boiduel, Et bien, Paris (ce dict-elle en ryant) il n'en viendra jamais sy Dieu plaist à ce poynt-là, et ce

dysoyst-elle estant au lict. Et comme elle s'abilloyt le dit Paris prend les deux clefs de la chambre de la Royne selon le commandement du dit Sieur de Boduel, et les luy aporte. Lequel ayant faict sortir toute le monde de sa chambre, prend le clef d'ung coffre qu'il avoyt en sa pochette, et apres avoyr ouvert le dit coffre, en tire des aultres clefs contrefaicts toute neufues, et en regardant les unes aupres des aultres, dict à Paris, ha ! ouy, elles sont bien ; raporte celles-là, et il remeist les contrefaictes dedans le coffre.

Estant interrogué s'il scavoyt qui avoyt fait et baille les clefs contrefaictes au dit Sieur de Boduel : respond, qu'il n'en savoyt rien, sy non que le dit Sieur de Boduel luy dist qu'il avoit toutes les clefs des portes de ce logis-là, et que luy et maistre Jacques Balfour avoyent esté tout une nuyt pour chercher et savoyr la meilleure entree, comme il a desia déposé ; mais cependant que le dict Paris estoit absent avecques ces clefs, Archibald Bethon, huyssier, demande les clefs pour laisser sortir la Royne au jardin, et ne les pouvant trouver, la Royne en fust fâché, et dict tout haut à Paris à son retour, Paris pourquoy aves-vous emporté les clefs de ma chambre, lequel ne luy respondit mot sur l'heure ; mais apres la trouvant a part luy dist, ha ! Madame, pourquoy m'aves vous dict devant le monde que j'avôys pris les clefs de votre chambre, voyant que vous saves bien le pourquoy. Ha ! ce dit-elle, Paris c'est tout ung ; ne te soucy, ne to soucy ; et d'autant qu'il en pourroyt avoyr bon souvenance il dict, que ce Vendredy la nuyt la Royne coucha encores au logis du Roy, et luy renvoya derechef porter des lettres au dict Sieur de Boduel.

Interrogué s'il avoyt rien entendu de ce propos le Samedy au matim : respond que non, sy non que la Royne deist en presence de ceulx de sa chambre qu'il y avoyt eu quelque querelle entre le Roy et Monsr. de Sancte Croix, lequel avoyt bon moyen à ceste heure-la de tuer le Roy,

car il n'y avoyt en la chambre alors qu'elle pour les departir; et dict oultre qu'apres disner le dict Sieur de Boduel luy commande de prendre la clef de la chambré de la Royne, chose qu'il n'avoyt envie de faire, mais comme la Royne sortoyt de sa chambre elle le regarde, et luy commande de prendre la dit clef. Et au soyr la Royne estant à l'Abbaye, elle envoie le dit Paris vers Mons^r. de Boduel, luy commandant luy dire de bouche; alles vous en à Mons^r. de Boduel et luy dictes, qu'il me-semble qu'il seroit le mieulx que Mons^r. de Sancte Croyx avec Guillaume Blakatre allent à la chambre du Roy, faire ce que le dict de Boduel scait, et qu'il parle à Mons^r. de Sanct Croix touchant ce purpos, car il seroyt myeulx ainsy qu'aultrement, et pour ce n'en seroit qu'ng peu prisonnier dedans le chasteau. Apres avoyr le dict Paris racompté ce faict à Mons^r. de Boduel il luy dict, je parleray à Mons^r. de Sanct Croyx, et puis j'yray parler moy mesmes à la Royne. Le dit Paris n'a souvenance d'aultre chose que se feist ce jour-là, mais le reste est contenu en sa premier deposition jusques à ce que la Royne arryva en l'Abbaye, et Mons^r. de Boduel s'estant aussy retiré en sa chambre avec le dit Paris, survint Mons^r. de Honteley, en compaignye de deux ou troys serviteurs, et ce par le chemin derrier l'Abbaye qui menie droyt au logis de feu Mons^r. de Ruthuen; et apres qu'ilz avoyent parlé en l'oreille ensemble, comme Mons^r. de Boiduel avoyt desia commence de changer ses habillementz, le dict de Boduel deist apres au dit Paris, que Mons^r. de Honteley s'estoyt offert d'aller avecques luy, mais qu'il ne le vouloyt mener. Quant et luy, et apres que Mons^r. de Honteley se fust party pour aller coucher, le dict de Boduel prend le tailler et Paris avecques luy, comme il est dict en sa premiere deposition.

Le Lundy matin entre neuf et dix heures, le dict Paris dict qu'il entre dans la chambre de la Royne laquelle estoyt

bien close, et son lict la tendu du noyr en signe de deuil, et de la chandelle allumer dedans ycelle la ou Madame de Bryant luy donnoyt à desieusner d'ung oeuſ frais, la ou aussy Mons^r. de Boduel arryve et parle à elle secretément soubz courtine. Ce jour-là Lundy, se passe ainsy sans ce que le dict Paris parle à elle. Mardy au matin elle se leue, et le dict Paris estant entré en sa chambre, la Royne luy demande, Paris qu'as-tu ? Helas ! ce dict-il, Madame, je voys que chascun me regarde de costé. Ne te chaille, ce dict-elle, je te feray bon vysayge, et personne ne t'oseroyt dire mot. Cependant elle ne le dict chose de consequence jusques à ce qu'elle vouloyt aller à Seton, alors elle luy demandast de prendre une cassette ou il y avoyt des corceletz d'escus que le thresorier luy avoyt aporté de France, pour la porter à la chambre de Mons^r. de Boduel, qui estoyt à ceste heure-là logé dedans le pallays, au dessus de la chambre la ou ce tenoyt le conseil ; et puis apres luy commandast de prendre son coffre des bagues et le faire porter au chasteau, et le delyvrer entre les mains du Sieur de Skirling, pour lors cappitaine soubz Mons^r. de Boduel, chose qu'il feist ; en apres elle voyant le dict Paris tout fasché, elle pressoyt souvent de faire service à Mons^r. de Boduel, ce qu'il n'avoyt envie de faire, ains demandoyt souvent son congé, et voyant cela à la parfin elle luy dict, Paris, alles-vous consoller avecques Mr. Jacques Balfour ; cest ung homme d'esprit, je m'y suis consolle par plusieurs foys et me consolle de present.

Item. Interrogué du premier pryveauté qu'il a cogneu estre entre la Royne et Mons^r. de Boduel : respond, que c'estoyt alors que le dit de Boduel conduysoit la Royne vers Glascou, quant elle alloyt querir le Roy. A Callender apres souper assez tard Lady Reress vint à la chambre de Mons^r. de Boduel et voyt le dict Paris la, et demande que faict ce Paris icy. Cest tout ung, ce dict-il, Paris ne dyra

chose que je luy deffend de dire, et la-dessus elle l'amene à la chambre de la Royne : cecy cestoyt le soyr devant que le lendemain la Royne l'envoya la bourse par Paris au dict Sieur de Boduel.

Item. En oultre il dict et declare, qu'envyron le temps que le dict de Boduel fust faict Duc, la Royne lui baillast le buf-fett et vesselle de l'argent de Monsieur le Prince la ou estoyt ses armoyries pour la porter à Mons^r. de Bothuile, lequel luy dict que cestoyt pour en faire oster la marque de Prince et y mettre la sienne, ce qu'il delyvra à ung qui a espousé une Marguerite Hepbron (mais il ne scait bonnement son nom) lequel comme il luy dict il le debuoyt bailler à Mr. Jacques Balfour pour le faire faire.

Item. Il dict et confesse que la nuyt auparavant que la Royne fust ravie et enleevee du dit Sieur de Boduel, que Mons^r. d'Ormistoun vint parler à la Royne bien secretement à Lythquow : la-dessus la Royne escript une lettre par le dict Paris et par ce qu'il ne scavoyt bien le chemyn, la Royne le feist conduyre par le dict Ormistoun chez Monsieur de Halton, la ou le dict Sieur de Boduel estoit en bonne compaignie, et mesmes les capitanes couches aupres de luy et daultres ; et trouvant le dict Sieur de Boduel endormye les veille et luy dict, Monsieur, voyla des lettres que la Royne vous envoie. Et bien, Paris, ce dit-il, couche toy la ung peu ; cependant je m'envoys escryre, et apres avoir escript il dict au dit Paris, recommends me humblement à la majestie et luy dictes que j'yray aujourd'hui la trouver sur la chemyn au pont.

Item. Estant interrogué s'il savoyt pourquoy Joseph s'en alla de ce pays : respond, que la Royne luy dict, Paris il fault que tu controuves quelque chose en ton esprite pour faire peur à Joseph, affin qu'il s'en aille : et voyant qu'il ne pouvoyt rien faire elle luy dict, je feray faire une lettre que tu perdras derrier luy pour luy faire peur ; mais luy ne pouvant ce

faire elle le feist dire par le justice clerk, comme il peust, qu'il eust à comparoistre au parlement, chose qu'il l'affrayast grandement, et courut ça et la demandant son congé, enfin la Royne baille neuf vingtz escus à Paris pour les bailler à Joseph, affin qu'il s'en allast, ce qu'il feist, et ainsy ayant receu la dict somme il s'en alla.

Item, dict, que Jehan Hay souvent apres la mort du Roy le conseylloyt et le confortoyt bien, et qu'aulture ne le consolloyt, sy non que souvent comment Mons^r. de Honteley le voyant deffaict, le demandoyt, Paris, qu'as tu ?

This is the trew copy of the declaration and depositions of the said Nicholas Howbert als Paris, quhair of the principall is markit every leif with his awin hand. And the same being red againe in his precence, he avowit the same, and all partes and clauses thair of to be undoubtedlie trew.

Ita est Alexander Hay, scriba secreti consilli S. D. N. Regis ac Notarius Publicus.

No. XXVII. Vol. II. Page 22.

*Confession of the Laird of Ormiston, who was executed
for the Murder of Darnley.*

The Castell of Edinburgh, 13th of December, 1573

THE quhilk day John Brande, minister at Hallyruid-Anderson's
house, being sent to the laird of black Ormistoun, to give MSS.
him comfort be the promiss of God's word offereit to sin-
ners, and alsua to requyre the said laird to glorifie God in
shawing of the truth, &c.; after lang conference, and
prayers made, above the space of ane hour, or theirby, the
said John Brand minister said unto him, Sir, althocht I am
trewlie persuadit that the haill trewth ye have shawen me
of this matter, yit, because divers and greater doubts are
passit of you, and also the memorie of men are bot weak,
theirfoir, gif ye thought guid, I wald wryte certaine of they
things breifeley that you have spoken; quha answerit
meiklie, for God's saike doe the samen; wreit even as I
shall speike. As I shall answer unto God, with whom I
hope this night to sowp, I shall declare unto you the haill,
from the beginning unto the end of my pairt. First, I
confess that the earle Bothwell shew that samen wickit
deid unto me, in his his own chalmer in the abbey, on Fry-
day before the deid wes done, and requyred me to take pairt
with him therein, because, as he alledged, I wes ane man of
activeness, (alace theirfor!) quhair I utterly refuisit, and
said, God forbid, bot, gif it were upon the field, to fight
with your Lo. unto the death, I sould not feir my skinn
cutting. Then the said earle said unto me, tuishe, Ormis-

toune, ye need not take feir of this, for the haill lords hes
 concluded the samen langsyne in Craigmiller, all that wes
 ther with the quein, and nane darr find falt with it quhen
 it shall be done. Efter the quhilk, I departit hame to Kaitis
 Tames, quhilk was Thomas Henderson's house in Edin-
 burgh, for his mother was called Kait : being in part seik,
 I lay down in my bed, and lay all Saturday, chieflie for that
 cause, beleivand that way to have put off that evil hour ;
 and swa I knew na farder of it quhill Sunday at night,
 quhere I being in my chalmer in the Black Frier Wynd,
 gangand beltit in ane gown, John Hepburne and John Hay
 of Talla come unto me, and said the quenies grace and lords
 are past up to sie the king, and my lord is standand at the
 Black Frier Wynd fute, and bids you come to him incon-
 tinent ; quhere I layd my gown from me, and tuik ane
 ryding clock, because I beleivit all had bein weill anewche
 now agreit, seing they had passit up to visit him ; and cum-
 ing at the first I mist the said earle, for he had comiten
 upe anuther close to seik me himselfe, in my awn chalmer,
 and thair he fand my cousing Hob, quhom he brought with
 him, and thairafter met togidder in the middis of the
 Wynd, wha tuike me againe, and we all passit up to the
 Freier Yaird, through the slape, quhair Pareis and Archie
 Betoun com and met us, and said all wes ready preparit for
 the setting of the lunt ; and they all enquiryt how it sould
 be set to ; and, after diverse speakingis, I said, take ane
 piece of lunt of thrie or four inch lang, and kindle the ane
 end of it, and lay to the cald end, and it wald burn syne to
 the train, and swa will blaw up ; efter the quhilk, the
 queine passing hame, the erle Bothwell said, speid, and
 clois all the duris, for they had 13 fals keys of the lodging
 maide, and givin, as they said to me, be him that aught the
 house. Efter the quhilk I departit incontinent, and came
 not nearer, as I shall answer befoir God, nor the dur ;

and as I was cumand hame it strake ten hours, wher then I pasit to Katis Tames hous, to avoyd suspitioun, that na man sould say I was at the deid doinge, for I was an hour and mair in my bed or the blast and crack was. Being requyrit be the said minister, gif he knew not that the king was utherways handilit be menes handes, for it is comonlie spokin he was brought furth and wirryit, quha anserit, as I sall answer to my God, I knew nothing but he was blawin up; and did enquiryre the samyn maist dilligentlie at John Hepburne and John Hay, and all that tarreit behind me, quha swore unto me, they never knew nae uther thing bot he was blawin up; and swa I think it was ane work done be God for the punishment of money wickit men, quhairof I am ane, and ane great sinner before God, for the quhilk I ask God mercy.

Thirdly, Being requyrit, gif he knew na farder hereafter, ansrit, at the pasche thairafter, when the bruite begouth to rys upon us, and all cryit, ane vengeance upon them that slew the king, it prickit my conscience, and I come unto the erle Bothwell in his chamber, and said to him, quhat devill is this now, my lord, that every body suspectis you of this deid, and cryes, ane vengeance for the samen, and few or no uther spoken of bot yow. Aneuther thing you said to me: quha ansrit, I sall let you sie sume thing that I had for me; quha lute me sie ane contract subscrivit be four or fyve handwrittes, quhilk he affirmit to me was the subscription of the erle of Huntlie, Argyll, the secretar Maitland, and Sir James Balfour, and alleaged that mony mae promisit, wha wald assist him gif he were put at; and thairafter read the said contract, quhilk, as I remember, conteinitt thir words, in effect: "That, for, samikle it was thought expedient and maist profitable for the commoun wealth, be the haill nobilitie and lords un-

dersubscryvit, that sick ane young fool and proud tirrane sould not reign nor bear reull over thame; and that for diverse causes, thairfoir, that thays all had concludit that he sould be put off by ane way or uther, and quhosoevir, sould take the deid in hand, or do it, they sould defend and fortifie it as thamselffis, for it sould be every ane of their awin, recknit and halden done be themselffis."

Quhilk writting, as said earl shew unto me, was devysit be Sir James Balfour, subscryvit be them all ane quarter of ane year befoir the deid was done; after the quhilk I never spake to the said earle of it quhill the day he gate his assyse, quhaire the said earle standing at the barr, luiking doun sad lyke, I plukit upon him and said, fye, my lord, what divill is this yee are doand. Your face shawes what ye are: hald up your face, for Godis sake, and luik blythlie; ye might luik swa and ye were gangand to the deid. Allace, and wo worth them that ever devysit it, I trow it sall garr us all murne: quha ansrit me, had your tongue; I wald not yet it wer toe do: I have ane out gait fra it, cum as it may, and that ye will know belyve.

Forder, the tyme when my brother was hurt be the laird of Seffaird, first com word to me that they war slayne, and then thair came ane bill from thamselffis, and said they wer onley hurt, and wald not die; but ane thing did them mair evill than the hurting, viz. that ane commounne bruit was risen, that I was at the king's slaughter, and theirfoir disirit me to get sume guid way to purge myselfe, that it pass na farder, or else ye have done with it; quhilk bill I tuik and gave to the erle Bothwell, wha tuik it and gave it to the quein, and she tuik it and read it, and gave it to the erle Huntlie, thair present, wha read it, and thairafter turnit unto me, and turnit her back, and gave an

thring with her shoulder, and passit away, and spake nothing to me. This is the haill thing I know, ather affair: or eftir, as I sall ansuer to my God, with whom I hope to supe. Efter the quhilk being inquyred, gif ever the queen spake unto him at any tyme, or gif he knew what wes the quenis mynd unto it, ansrit, as I shall ansuer to God shoe spake never to me nor I to hir of it, nor I know nathing of hir part but as my lord Bothwell shaw me; for I will not speike bot the trewth for all the gold of the earth, quhilk I desyre you, guid minister, bear record hearof as ye have written, quhilk I pray yow read over to me: let me alswa see it; quhilk I did affair Archibald Dowglass constabill of the castell, and George Towers of Bristo, with uthers divers gentlemen and servants being in the chalmer, quhilk beand done, he said, for God's saike, sit down and pray for me, for I have bein ane greit sinner utherwyse, for the quhilk my God this day is punishing me; for of all men on the earth, I have bein ane of the proudest and heich myndit, and maist filthie of my body, abusing myself dyvers ways. Bot specially I have shed innocent blood of ane Michael Hunter with my awin hands: allace theirfoir, because the said Michael havand me lyeing upon my back, haveing ane fork in his hand, myght have slayne me gif he pleasit, and did it not, quhilk of all things greives me maist in conscience: alswa in a raige I hangit a poor man for an horse; with mony uthers wickit deids; for the quhilk, I aske my God mercy, for its not mervell that I have bein wickit, for the wickit companie that ever I have bein in, bot speciallie within thir seaven yearis bypast, quhilk I never saw twa guid men or ane guid deid, bot all kind of wickedness; and yit my God wald not suffer me to be lost, and hes drawn me from them as out of hell, and hes given me lazer and space, with guid companie, to

repent, for the quhilk I thank him, and is assurit that I am
ane of his elect.

Thir words, with mony mae, eryand continually unto
his God, even to the very end, cryand, my Lord Jesus,
sweit Jesus, have mercy upon me, as you have had upon
uther sinners, in sick sort, that he was, to the appearance
of man, ane of the maist penitent sinners that hes bein
sein this lang tyme, and mey be comptit ane example of
God's mercies to all penitent sinneris,

No. XXVIII. Vol. II. Page 38.

"LORD HUNSDOWN writes to Cecil from New-Anderson's
castle, 7th Sept. 1569, that he heard for truth that Led-Notes from
ington was apprehended and committed to ward the 3d in- the State
stant, being accused of several articles of treason." Paper
Office.
7 Sept. 1569,

"In another letter, from Alnwick, 8th Sept. 1569, he Id.
says, this morning came to me this packet which I send 8 Sept. 1569
you herewith, with a letter to myself from the regent,
whereby I find that my advertisement of Ledington is true,
James Bawfur was taken out of Fife with sixteen horsemen
and harkebusiers. They are accused by one Crawford, a
servant of the earl of Lennox, to be consenting, aiding,
and devisers of the murder of the lord Darnley, and I
think Paris, who was lately executed, hath affirmed no
less."

From the two letters in No. XXVI, it appears that Elizabeth had received immediate notice of Paris's Confession on the 9th and 10th, as her letter to prevent his execution arrived at Berwick on the 23d, and reached Murray on the 24th of August, eight days after his execution on the 16th. A packet from lady Lennox is also mentioned, to which the conclusion of Murray's letter alludes viz. "that the testimonie sall not seame doubtful, neyther to thame quho be nature hes graitest cause to desyre condign punishment for the said murther," Murray's letter was written about the end of August; and we must conclude that Crawford, one of Lennox's dependents, accused Lethington on the 3d of September, in consequence of instructions contained in lady Lennox's packet, sent on the first information of the discoveries made by Paris. Crawford was the

gallant captain Crawford of Jordanhill, so distinguished afterwards by taking Dumbarton castle; and the accusation was probably instigated by Cecil, to crush Lethington's busy intrigues for Mary's divorce, restoration, and marriage with Norfolk. That the delay of the trial was not collusive, appears from the following facts which *honest* Goodall, who quotes Murray's speech, has suppressed in order to vindicate Bothwell, by representing the whole as a mere artifice for the preservation of Lethington, the regent's associate in the murder. Goodall, i. 397.

"Upon the 21st of November, the day appointed for Lethington to underly trial, and the verdict of an assize, many noblemen and gentlemen repaired to Edinburgh whom he had written for to maintain him as he pretended in his innocency and just cause. His friends were all that were unfriends to the king or privy to the murder, all the Hamiltons, Huntley, Argyle, Athol, Seton, Boyd, Livingston, Fleming, and the Hepburns. Hume came with the Hepburns and other friends to Edinburgh, and Athol, Huntley, and the Hamiltons came to Linlithgow; who being charged by the regent to come no nearer, stayed. The earl of Morton, with three thousand, lay at Dalkeith, waiting till the regent sent for him. Lethington, confident in the power of the other faction, which was strong, notwithstanding that Norfolk was committed to prison, urged trial, and bragged of his innocency. The regent finding the convocation of his friends and followers so great by expectation, sent for the chief noblemen in the town, to whom he made an oration, as after followeth to this sense: For as meikle as, when ye interpreted the revenge of the king's slaughter, I was in France, where ye sent to me, and desired me to come home, and take upon me the regiment, ye caused me take an oath that I should to the uttermost revenge the murder of the king, and ye on the other part

did swear to fortify me; now there is a gentleman accused of the same murther, and I purposed to take trial, but ye having conveened to hinder justice, wherefore ye shall understand that I will continue this day of law till another time. If he be clean, he shall suffer no harm, but if he be found guilty, it shall not ly in your hands to save him. So the day of law was continued, and deferred to another time." Calderwood, ii, 146. MS.

No. XXIX. Vol. II. Page 49.

*Copy of the K. of Denmark's Letter to the K. of Scots,
30 October 1567, for answer of his touching the
delivery and sending into Scotland of the Earl Both-
well.*

*Fredericus secundus &c. Dom Jacobo Scotorum Regi &c. con-
sanguineo et fratri nostro Charissimo salutem &c.*

Paper
Office.

SERENISSIME princeps consanguinee et frater charis-
sime, reddidit nobis die xv hujus mensis literas serenitatis
vestræ, ultimo Septembris Strivilengi scriptas, præsentium
exhibitor, fecialis vester, quibus nos de miserabili casu illus-
trissimi principis domini Henrici Scotorum Regis Patris
serenitatis vestræ bonæ recordationis iterum certiores fecit,
ac comitem Bothwallum non ita pridem a prefecto nostro
in Norvagia captum quem crudelissimæ cædis illius reum
et authorem fecit, ad supplicium deposcit, eumque sibi a
nobis dedi, et si ita nobis videatur tempus certam
constitui petit, quo is nostra ex jurisdictione in Scotiam
reduci et pæna adfici possit. His nos amice jam respon-
demus, nos, sicut superioribus literis nostris testati sumus,
tragicum istum, et plane miserandum casum optimi principis
tanto majore cum animi dolore percepimus, quanto magis
nota fuerant omnibus, serenitatis ipsius varia, et animi et
corporis dona et ornamenta, præsensque serenitatis vestræ
ætas, et rerum in Scotia status, parentem et moderatorem
talem requirere videbantur. Ideoque pro communi nostra
regnorumque nostrorum necessitudine, mortem Christiani
et vicini regis et vicem serenitatis vestræ et universæ rei-

publicæ Scotiæ, quæ non leve inde incommodum percepit, vehementer dolemus et deploramus, ac Deum precamur, ut Serenitatis vestræ Imperium, ea præsertim ætate susceptum, lætioribus auspiciis promoveat confirmetque, ac presentibus tandem regnorum tumultibus, remedium tempestivum adhibeat.

Quantum vero ad comitem Bothwallum pertinet, Cognovimus eum nuper cum in regno nostro Norvagiæ vagaretur, et non nullam suspicionibus causam præbuisset, cum navibus sociisque a nostris captum, et in castrum nostrum Bergense deductum, indeque in Regnum nostrum Danicæ transmissum esse: is si cædem istam aliaque de quibus scribit Serenitas vestra, horrenda flagitia commisit, dignus profecto foret in quem pro scelerum atrocitate graviter animadverteretur. Intelleximus autem ex relatione nostrorum se cum de his argueretur, purgandi sui causa plurima in medium adduxisse; inter cætera purgationem ejus, cujus insimularetur, criminis, in Scotia a se legitime factam, ideoque in decisorio judicio per sententiam absolutam, se Regem Scotorum, serenissimam Reginam, *consanguineam nostram, conjugem suam*, contrariam factionem subditos rebelles asserens, *nec ullam hac in causa Reginæ accusationem intervenire.*

Cumque ea cum literis Serenitatis vestræ, et narratione facialis ejusdem, cui nihil certe derogandum esse duximus, plane non convenirent, negotium vero ipsum maximi ut apparebat momenti et prejudicii, altiore indaginem, maturamque deliberationem postulare videretur, minime nobis committendum esse judicavimus, ut in causa de cujus circumstantiis et forma nondum penitus nobis constaret, certi, aliquod decerneremus.

At autem ex sententiâ Serenitatis vestræ, nostra ex potestate et custodia, in Scotiam abducendum Bothwallum tradi permittamus, eo difficultatem aliquam inesse, nec sine

labefactione regiæ jurisdictionis nostræ, prestari jam posse visum est. Ideoque latius nobis de eo deliberandum, memorato vero Serenitatis vestræ feciali, cui prosecutionem hujus causæ, et rei accusationem commissam esse, literæ Serenitatis vestræ testabantur, potestatem fecimus, in proximo procerum nostrorum conventu legitimo judicio contra eundem experiundi, disceptandique. Cumque is propter alicujus temporis moram, quam ob instauratam expeditionem nostram Lubeticam, et quorundam consiliariorum nostrorum absentiam intervenire oportuit, reditum ad Serenitatem vestram maturaret; præsertim quod se in itinire adversa tempestate impeditum argueretur, existimarem officio nostro regio, et Serenitatis vestræ expectatione, nos in hac parte jam satisfacturos esse, si comitem Bothwallum, tuta et arciori in custodia, tantisper apud nos asservandum demandemus, donec de negotii istius circumstantiis legitime edocti, hoc decernere posimus, quod ex juris et equitatis norma, mutuorum fæderum ratio, ac res denique ipsa postulare videatur et requirere: quod cum diligenter curaturi simus, omnino confidemus Serenitatem vestram hanc responsionem nostram benigne accepturam, inque solita apud nos benevolentia perseveraturam esse. Cui valitudinem prosperam et felices salutarium consiliorum successus ex animo precamur. Ex Regia nostra Hostenia xxx December 1567.

*Three Letters from Elizabeth to Frederick King of
Denmark for the delivery of Bothwell.*

Elizabetha Dei gratia, &c. Frederico Danicæ, &c. salutem.

Principes legibus esse solutos verum quidem est, et constat inter omnes: at vero legibus tamen sese alligatos profiteri, et ex earum præscripto vivere, et oratio Regibus digna, et res est omni Principatu major. Ac quoniam in sublimi hoc dignitatis gradu Serenitatem vestram Deus constituit, ut populis legitime imperaret, et exemplo præesset, libenter sane fecimus, ut in justissima et communi omnium regum causa, tuæ Serenitatis ut humani et justi principis æquitatem interpelleremus. Est enim si cujusquam, certe regum munus et officium, regum vitas (in quo ipsorum salus quodammodo continetur) tueri et aliorum principum consceleratas cædes, in quo ipsorum periculum propter exemplum et populorum certa strages agitur, vindicare.

Quas turbas Scotorum rebus, ultimi Regis Henrici calamitosa cædes intulerit, Serenitatem tuam cum recte scire, tum multum dolere arbitramur, quos vero homines, illius cædis gravissima suspitio attigerit, non poterit etiam tua Serenitas ignorare. Horum unus is, qui in S. T. potestate nunc esse dicitur Comes Bodovellæ omnium votis, vocibus, efflagitatione, ad judicium acriter deposcitur.

Quanquam igitur Serenitatem tuam sua sponte, quod tanto principe dignum sit, facturam non dubitamus, tamen vehementer Serenitatem tuam etiam atque etiam rogamus, sic ut magis ex animo nihil possumus, ut illum comitem, ad causam dicendam, vel mittat in Scotiam vel honoris nostri gratia, recta ad nos primo in Angliam, quæ terra Scotiæ est continens, quo deinceps possit, ex Regno nostro illuc,

ad iudicium subeundum nostra fide mitti. Nullam enim injuriam comiti, aut ipsæ sumus facturæ, aut ab aliis fieri passuræ, in verbo Regis pollicemur. Hoc vero in iudicium vocari, nec ipsi quidem Comiti grave videri debet, siquidem in dicenda causa, seipsum gravi invidia liberare, et æquis iudicibus, Innocentiam suam probare possit. Sin autem est nocens, nec cœlesti numini gratum, nec rebus humanis erit utile, regis sui parricidam impune tam diu vivere. Utcumque erit, Serenitati tuæ, non honorificum modo, sed etiam gloriosum fuerit, vel innocentem Serenitatis tua opere absolvi, vel tanti facinoris reum, justorum iudicum suffragiis condemnari. Plane summam in Serenitatis tuæ moribus justitiam et æquitatem (si comes ad dicendam causam mittatur) probabunt omnes, et nos magno Serenitatis tuæ beneficio nos affectas putabimus; nihil enim certe est, quod Serenitas tua, hoc quidem tempore nobis facere possit gratius. Deus Opt. Max. Serenitatem tuam, in omni prosperarum rerum affluentia conservat, &c. (1569, juxta Seriem Literarum.)

Elizabetha Dei gratia, &c. Frederico Dania, &c. Salutem.

Scotiæ Regens pluribus verbis nobis significari fecit Joannem Clerk Scotum qui in Regio vestro exercitu ordines duxit, gravissimis criminibus, apud Serenitatem vestram reum peragi, idque malevolorum quorundam fieri calumniis, inter quos principem locum tenere dicitur Comes Bodovellæ. Et quoniam nostrum Principum munus esse solet et debet, injuste laborantibus, et afflictis hominum fortunis opitulari et subvenire, improborumque audacias coercere et frangere, faciendum nobis fuit (Regente presertim id efflagitante) ut de utroque, qualis nobis uterque cognitus fuerit, apud Serenitatem vestram iudicium et testimonium noctrum interponeremus.

Intelligat igitur vestra Serenitas Joannem Clerk præclare hic in Anglia, nobis nostrisque diu esse notum, nec vero

quicquam unquam in ejus moribus pravum aut fucatum vidisse quenquam, contraque potius ea hominem virtute, fide, integritate cognovimus atque audivimus, ut nulla ratione nos dubitemus, quin ab audacissimo homine Bodovellix comite, hæc innocenti crimina affecta sint.

De Bodovellio vero nos antea ad sertem. vestram, ut de certissimo Regis sui interfectore scripsimus, rogavimusque ut, a serte. vestra in Scotiam ad causam dicendam mitteretur. Quare confidimus quidem certe (quod tamen a serte. vestra iterum atque iterum summopere rogamus) comitem tanti facinoris reum, in carcere et vinculis arcte custodiri, vel certe quod malumus, magisque petimus, e carcere ad judicium subeundum, ad eum locum, in quo scelus admissum sit, missum iri; neque enim certe Regi honorificum esse potest, Regis interfectorem solute et libere vagari et impune vivere; at ita se gerere et jactare, ut innocentis capiti struat insidias, multo minus. Quare utrumque petimus a serte. vestra, ut et de Bodovellis, quod ipsius facti diritate dignum sit, statuatur, et Joannem Clerke fortem et honestum virum, nobis cognitum iniquorum suorum calumniis opprimi non sinat. Quorum primum non Justitiæ solum, sed etiam prudentiæ; alterum certe fuerit clementiæ et æquitatis tuæ. Deus Opt. Max. S. V. Salvam servet et incolumem. *Dat, &c. (1570, juxta Seriem Literarum.)*

Elizabetha Dei gratia, &c. Frederico Danix, &c. salutem,

Sæpe jam nos ad sertem. vestram de Bodovellix comite, qui ex Scotia jam pridem, Rege per summum scelus interfecto, in vestras ditiones profugisse dicitur. Scripsimus simul etiam de Joanne Clerk Scoto, ejusdem comitis calumniis graviter apud S. vestram accusato, quid nos opinionis et judicii haberemus, significantes. Quibus literis quoniam nihil est adhuc a S. vestra responsum, eadem de rebus eisdem repetere hoc tempore cogimur, et S. vestram

iterum summopere rogare, ut eum comitem, de quo tam gravis apud omnes interfecti Regis habetur suspitio, ad causam dicendam vel mittat in Scotiam, vel honoris nostri causa, primo recte in Angliam, quo deinceps possit, ex nostro Regno illuc, ad iudicium subeundum nostra fide mitti. Non enim certe Regibus honorificum esse potest, Regis interfectorem impunitum vivere, qui si contra innocens inventus fuerit, gravi profecto seipsum invidia liberabit. Hoc cum S. vestram libenter nobis daturam confidimus, tum illud etiam non minus petimus, ut Joannem Clerke, fortem et probum virum, nobis cognitum iniquorum suorum calumniis opprimi non sinat. Quibus de rebus, cum ante hac ad S. vestram copiose perscripserimus, libenter quidem hoc tempore, quantum in iis nobis gratificari velit, audire cupimus. Deus O. M. S. V. in omni prosperarum rerum affluentia conservet. Dat. Grin. 24 Martii 1571. Regni nostri 13th.

The preceding letters are published from M. Crawford's MSS. i. 285. For *Lubeticam*, (page 302, line 9) read *Sueticam*—line 12, for *argueretur* read *quereretur*.

No. XXX. Vol. II. Page 50.

*Extract of the deciphering of a Letter of Queen Mary's
to her Ambassador the Archbishop of Glasgow, from
Sheffield, 1st June 1576.*

ON m'a donné avis de la mort du Comte de Bothuel ; Keith, Ap-
& qu'avant son decez, il fist une ample confession de ses pend 141.
fautes, et se declara auteur et coupable de l'assassinat du from Mem.
feu roy, mon mary, dont il me decharge bien expressément, Scot. in
jurant sur la damnation de son ame pour mon innocence. Colleg. Scot.
Et d'autant s'il estoit ainsy, ce temoignage m'importeroit Paris.
de beaucoup contre les fausses calomnies de mes ennemis ;
je vous prie d'en rechercher la verité, par quelque moyen
que ce soit. Ceux qui assisterent à laditte declaration, de-
puis par eux signée et scellée en forme de testament, sont
Otto Braw du chateau d'Elcambre, Paris Braw du chateau
de Vascut, M. Gullunstarne du chateau de Fulcenstere,
l'Eveque de Skon, et quatre bailiffs de la ville, &c.

*Extract of a Letter in Cypher of Abp. Beaton to Queen
Mary, 30th July 1576.*

Il y a desja long temps que nous avons entendu les nou-
velles de la mort du Comte de Bothuel ; et des ce temps,
la Reine Mere a escrit (ainsi que M. de Lansac m' assure)
à l'ambassadeur du roy en Danemarq, pour envoyer le tes-
tament en forme : ce qu'il n'a encore fait. Je trouveroï
bon d'y envoyer de Monceaux, qui entreprendroit volon-
tiers le voiage : mais vous voyez le peu de puissance que
j'ay de luy delivrer de l'argent.

*Extract of a Letter of Abp. Beaton in Cypher to the
Queen, 4th January 1577.*

Gartely¹ dès son arrivée en Escosse, fut fait prisonnier, parce qu'il divulga ce qu'il avoit entendu à Londres, du testament du feu Comte de Bothuel; et à ce que l'on dit a esté contraint d'envoyer un homme en Danemarq pour la verifcation d'iceluy. Monceaux n'a voulu entreprendre le voiage sans avoir argent contant. Les 500 livres qu'il a receu par votre liberalité avoient esté dependus, à ce qu'il dit, avant qu'ils estoient receus.

Sur ce propos, je ne veux oublier à vous dire ce qui m'a esté rapporté par un gentilhomme, qui m'a dit l'avoir entendu du Controleur Tullibairn, qui estoit dans la chambre de Monseigneur le Prince (Jacques VI.) votre fils à Sterlyng; ayant ledit Tullibairne entre ses mains la copie du dit testament, en le lisant à un autre gentilhomme, mon dit Seigneur vint à l'improviste les acoster de la table où il escrivoit, et à force voulut voir ce que le dit Tullibairn tenoit entre ses mains, encore qu'il luy refusa deux ou trois fois. Et l'ayant leu de mot à mot, sans leur dire aucune paroles, le leur remit entre les mains. Et après avoir achevé ce qu'il avoit à escrire, il se mit plus guay que de coutume, à entretenir les gentilhommes qui estoient alentour de luy; ce qu'il continua toute cette après dinée à son souper, et après souper: ce qui rendit toute l'assistance curieux de scavoir l'occasion. Ensorte que ledict Tullibairne luy demanda après souper, en luy disant, qu'il avoit toujours aimé et honoré, mais à cette heure-là, plus que j'aimais, le voyant si gaillard et disposé, avec si bon visage, entretenir les Seigneurs que le visitoient. Il luy despondit,

¹ Barclay of Gartley, one of the chief officers of the queen's household in England. M. Crawford's MSS. i. 255. from the Paper Office.

Tullibairne, n'ay-je pas juste occasion, m'ayant été imprimé si souvent et de si long temps, les accusations et calomnies de la majesté de la Reine ma mere, de ce que aujourd'huy j'ay vu une si ouverte approbation de son innocence ? (*To which the archbishop adds*) Dieu luy donna sa grace, s'il luy plait, d'augmenter ce que plus que naturellement il a desja, au rapport de tout le monde, de bon commencement en toutes choses vertueuses.

Extrait d'une Lettre de la Reine Marie, à M. de Glasgo, son Ambassadeur, en chiffre, à Scheffield, du 6 Janvier 1577.

J'ay eu avis que le roy de Danemareque a envoyé à cette Reine (Elizabeth) le testament du feu Comte de Bothuel, et qu'elle l'a supprimé secretement, le plus qu'il luy a été possible. Il me semble, que le voiage de Monceaux n'est necessaire pour ce regard, puisque la Reine Mere y a envoyé, comme vous me mandez.

Copy of a Relation of the Earl of Bothwell's Declaration at his Death, by one that was present.

Le comte de Bothuel malade a l'extremité, au chateau de Malmay, a verifié ce qui s'ensuit.

Ibid.
Cotton Lib.
Titus C. 7.
fol. 316

L'Evesque de Scone, avec quatre grands Seigneurs, à sçavoir, les Seigneurs Berin Goves du chateau de Malmay, Otto Braw du chateau d'Ottenbrocht, Paris Braw du chateau de Vescut, et M. Gullunstarne du chateau de Fulcensere, avec les quatre bailifs de la ville, prièrent le dict comte de declarer librement ce qu'il sçavoit de la mort dū feu Roy Henry, (Darnley) et des auteurs d'icelle, comme il vouloit repondre devant Dieu au jour du jugement, la

où toutes choses, tant cachées soyent elles, seront manifestées.

Alors le comte remonstrant pour sa grande foiblesse qui le detenoit, qu'il ne pouvoit discourir tout ce qu'il en savoit par lui-même, affirma la Reine innocente de la dite mort ; lui seul, ses parents, et quelque noblesse auteurs d'icelle.

Estant derechef prié des dicts Seigneurs, de declarer quelques uns, nomma my lord Jacques comte de Morray, my lord Robert Abbé de Sainte-Croix, (maintenant comte des Isles Orchades) tous deux freres bastards de la Reine, les comtes Argueil, Crauford, Glencarn, Morton, my lord Boyd, les Barons de Ledington, Buccleugh et Grange.

Poursuit après, comme par enchantement, auquel dès sa jeunesse, à Paris et ailleurs il s'estoit beaucoup addonné, il avoit tiré la Reine à l'aymer, soy depestrant de sa femme.

Le mariage consommé, cherchoit tout moyen à faire mourir le petit prince, et toute la noblesse qui n'y vouloit entendre.

Après, comme (il) avoit debauché deux filles d'un grand Seigneur de Danemarque, les menant en Escosse, et deux autres d'un grand Seigneur de la ville de Lubecque, sous ombre de mariage avec leur filles, et tant d'autres filles nobles, tant en France que Danemarque, Angleterre, et Escosse : demandant pardon à Dieu, recevant sont corps estant attenué, mourut.

Tout cecy, plus à plein, a esté escrit en Latin et Danois, signé du scel du roy de Danemarque et des assistants surnommez, et viendra quelque jour en lumiere, pour averer l'innocence de la Reine d'Escosse.

L'adjointe copie ayant esté donné par un marchand digne de foy, assistant alors à la dernière attestation du dict comte,

No. XXXI. Vol. II. Page 51.

BUCHANAN, Melvil, and Spottiswood assure us, that Bothwell died mad, and the two last, writing after James had wintered in Denmark, must have known the fact. Turner, in order to authenticate the confession, first asserted, in 1588, that Bothwell's madness was a fiction of Buchanan's; and the credulous Whitaker believes, on Goodall's authority, that he lived at large, unconfined, in Denmark. But Crawford's MS. informs us, that he was committed to close prison till his death; the *Summarium de Morte Mariæ*, published 1587, that, "in Dania captus, amens obiit" (Jebb, ii. 166), and Thuanus assures us, seemingly from particular information, that as soon as discovered, he was imprisoned at Dracholm, "in aratissimis vinculis, in quibus cum accusatus esset ab amicis cujusdam nobilis virginis Norvegicæ, quam ante *plures* annos, pacto matrimonio violatam, alia *super inducta*, deseruerat, post decennium accedente amentia dignum flagitiosa vita exitum habuit," ii. 551. The Norwegian lady whom he had debauched when betrothed to her some years before, and deserted for another, explains a passage in Buchanan, that before his marriage with the queen, *duas uxores* adhuc vivas habuit, tertiam ipse nuper suum fassus adulterium dimisisset; (Lib. xviii. 357) and suggested the crimes in his confession, that he had debauched a Danish lord's two daughters, and two daughters of a lord at Lubeck, &c. His body was greatly swelled in summer, 1575 (Murden, 285); and he seems to have died about the end of that year. His age has been strangely controverted. Buchanan had represented James, instead

of Patrick, Earl of Bothwell, as Lennox's rival for the queen regent's hand; and Tytler, who was slightly versed in the controversy, and in the history of the period, grasped at the mistake, and concluded that Bothwell, who courted the mother in 1544, must have been an old man, upwards of sixty, when he married the daughter in 1567. Tytler, 3 edit. 281. The mistake had been previously corrected by Thomas Crawford (Notes on Buchanan, 141) and by Rudiman (Buchananari Opera, i. 452); but when Lord Hailes discovered that Patrick, Bothwell's father, died in September 1556, and that Mary herself described Bothwell eight years afterwards, as "in his *verie youth* at his first enteris into this realm, immediately after the deceise of his fadder," (Remarks, 173. Anderson, i. 89), Lord Elibank and Tytler devised another conclusion, that Buchanan, by anticipation, described Bothwell by his future titles, when courting the queen regent in 1544, and that he was forty-four at least when he married the queen. Lord Elibank's letter to Lord Hailes, 30. Tytler, ii. 155. To argue against such writers would be ridiculous, as it is sufficient to state their misquotation of Buchanan. "*Accessit æmulus Jacobus Hepburnus comes Bothwelliæ, &c. Is enim ab Jacobo quinto relegatus, ac etatim eo mortuo domum reversus, eisdem artibus reginæ viduæ nuptias ambiebat,*" &c. Lib. xvi. p. 285. The Earl of Bothwell, whom James had banished in 1537, was Patrick, the earl formerly imprisoned in 1531, and divorced from his wife, most probably on his return from exile, when he paid his addresses to the queen regent. Goodall, ii. 319. Bothwell's mother was alive at the murder of Darnley (Paris's First Confession); and if born when his father was banished, Bothwell himself might be nineteen at his father's death, and less than thirty on his marriage with the queen. From her words quoted above, he ap-

pears to have returned from abroad immediately after his father's death; and I conceive that he was then in Denmark or Norway, where he married and deserted his first wife for another, as he passed through England to France, on his banishment in 1563. Douglas, in his Peerage, creates an intermediate Patrick Earl of Bothwell; but in 1519, we discover a Lord Hailes, by Buchanan called James Hepburn, who assassinated David Hume prior of Coldingham, to whose sister he was married. Buchanan, 260. Lesly, 371. Pitscottie, 131. Crawford's Notes on Buchanan, 126.

No. XXXII. Vol. II. Page 55.

Copy of Sir James Balfour's Letter to Queen Mary.

1560. EFTIR that I had considerit the answer of the letter send by me to youre majestie, and therby had understand youre majesties mynd and intentiouns, and specialye that youre (M.) wes nocht abill to tak any greit thing in hand in thir pairtis for many causis, except youre (M) awin subjectis had begun first to prepare the way in delivering youre (M) sone out of the handis of his innemeis, and putting him to full liberty. Finding the matter weill hard, and estaît of the countree incertane, and subject at all ocasioness to diverss mutationis, and I myself banishit and alluterlie vrackit be thaim quha had the gydia of the court, and war about his persone: yit willing to continew and follow furth the courss that I have evir schott at, in doing to youre (M) aggreabill service, I resolvit with myself to tak the hazard to reteir me in this realme, and that nocht without greit parrell of my lyfe, alsweil in my voyage as eftir my landing, quhilk was the xvii day of December laste, at quhat tyme I fand Mortoun and his factioun to beir als greit sway in court counsale, and outthrowch the haill realme, as evir they did in any tyme bigan, albeit thair had bene sindrie attemptaitis maid againis him of before, from tyme to tyme, quhilk al, threw slawnes of sum that war on the counsale thair of, failzeit. My cuming being detectit and gretumlie wondrit at, I addrest myself screitlie on the nyght to Edinburgh, the king being in Haly-rud-hous, accompanit with the Erllis of Lennox, Argyll, the Thesaurar, Mortoun, Anguss, Lochlevin, and sindrie of the maist spe-

cial of that factioun, and finding Lennox his favourers and assistaris willing to suppress the tyrannie of Mortoun, and to put the kingis majestie in full su^{er}-tie, I frammit my commissioun in sic sort (I traist always nathing thir by your majesties intentioun) to the king's majestie and him, that except Mortoun war reducit to sum better ordir, he wald be the wraick of thaim, your Majestie, and the haill coun-tree, and that be sindrie remonstranceis made to thame, had fra your majestie self, and partlie be uthir intelligence, quhilk I knew, and leirnit from uthiris, sua that Mortoun wes schartlie thaireftir commandit to ward, in the castell of Edinburgh, and thaireftir to Dumbartane, quhair he is now presentlie, being accusit of the king your majesties umquhill husbands murthour, oppinlie in counsale, be capitan James Stewart of Ochiltree, quhairof Mr. Archibald Douglas being advertist be his moyan, wes with all diligence fugitive in Ingland, quhair he resortis as yit. Quhair throw (the said erle) takis the greter bauldenes to deny all thingis promisit be him to Bothwell in that matter, except sa fer as the band (quhairof I did send the copie to youre majestie) dois testifie: and becaus I understand that sum farder knowledge concerning that matter is cum to youre majesties airis, thairfore man pray youre majesties maist humblie to write unto me at lenth, all that youre majestie has heird and knowin thairinto, that his wickit and impudent dealing in that fact may be knawin and manifestit to youre (M) honar, the king youre sonis contentement, and satisfacioun of all gud men, for I have bene preissit be his grace, and uthiris of the nobilitie, youre majesties favoretis, to try furth the samin, and that with als greit diligence as youre majestie may gudlie, for I have left nathing undone to performe the last wordis of the few lynis send to my lord youre majesties ambassadour to be communicat unto me, concerning him, lyk as I sall continew fra tyme to

tyme, as occasioun sal offer the self, quhilk it sall pleise God that materis tack sum gud succes to youre (M) contentatioun. I dout nocht bot youre (M) hes intelligence of the lamentable estait of this countree, the kingis grace your sone being young, and few or nane about him bot men of na gud qualiteis, and innemeis altogidder to youre majestie, except the erllis of Lennox, Argyll, Setoun, capitan of the castell, and now laitlie the lord Ruthven, quha is in it with thame in this caus agais Mourthoun. It apperis that sin Morris marriage with the lord Drummond's sister, that Montroiss is growand sum quhat cauld. Robert Melvill hes bene ane gud instrument in this caus, lykas at all uthir tymes. I have senē little forderance be any utheris, nor yit findis any apperance in tyme cuming of sum that I lukit wald have bene mair diligent: alwayis thair is sum uthir lordis and gentilmen of the nobilitie quha continueis at your majesties devotioun as thay did of before. Thay quhom youre majestie knawis to have bene unfreindis thir many yeiris, grouis daylie the mair and mair obstinat; nevertheles thair is many of all estaitis that beris your majestie ane greit gud will gif they durst utter the samin, quha ar for the maist pairt knawin to youre majestie's self be moyan of thair awin advertisements. Bot nane in compar of the erll of Lennox, quha endeivris him self continewallie be al meanis to bring al materis to pas concerning your majestie and the kingis weill, as he promist to Monsieur de Guise before his pairtin furth of France, lik as youre majestie will understand at mair lenth be the king your majesties sonis awin letter and his. The said erll of Lennox hes bene at greit chairgeis and expensse sin his cuming to this countree, and is far behind the hand, and the kingis verra pure throw the abusing of his patrimonie be thais quha hes had the governing thair of this tyme begane. Ingland in this mene tyme boistris fast to mak

weir, and that be the persuasioun of the Douglass and thair factioun. Thairfor seing the mater is begun and weil agaitwart according to youre majesties desyre, sua it is requisite that your majestie put to youre helpin hand for furthsettin, mantening, and defending of the present estait, and of al thais that dependis faithfullie and trewlie upon your majesties sone, for now occasioun is offerit to imploy your majesties friendis; for as thingis ar presentlie at point, it is nocht abill to bring materis soundlie to perfection without youre (M) moyan and support. I dout nocht bot youre majestie will call to remembrance the platt quhilk I laid to your majestie be my writting before my depairtin furth of France. My lord Setoun, with many utheris, hes writtin ampie to your majestie all the proceedingis of this countree, quhilk causis me to be the schorter. I pray your majestie write effectuouslie, in particular to al thais that your majestie knawis to be freinds in thir pairtis. And gif it sall pleis your majestie twiche sum thing in your majesties letters to confer with me in sic thingis concerning your (M) service as sall nocht be contenit in your (M) letters, and in my awin writin to be send be your (M) to me that thair be contenit ane generale clauss, to assure sic as will be forwart in your (M) and sonis service, of your (M) gud will and benevolence (I mene nocht of sic that youre majestie will nevir traist into).

And attour gif it sall pleis your majestie to desyre his grace to use sum quhat of my counsale in his greit effaires, specialie concerning youre (M) self and the weill of this realme, I sall fulfill, be Godis gudnis, that thing quhilk I have promist, gif it sall pleis him of his mercie to prolong my dayes. It becomis me nocht to be harald in my awin clauss, nor yit will I presentlie mene to youre majestie my hard handlin, deidlie feid and hatrait quhilk I underly for your (M) service, bot refer the samin to your (M) consi-

deratioun, eftir just tryell takin thair of be your majesties self, assurand your (M) that I sall be at all occasiounis mair reddie to put thingis in executioun, quhilk I believe may tend to your (M) weill and contentement, than to mak large and ample discourss without frute, quhilk I haue purposly omittit at this present, becauss I thocht it nocht needfull to repeat that thing quhilk sindrie hes writt in to youre (M) at lenth concerning the present estait of all thingis within this realme, and specialie my lord of Lennox, to quhom I pray youre (M) write as he meritis, and to have consideratioun of the greit chairgeis that he hes sustenit and daylie sustenis, nocht forgetting utheris of the nobilitie youre (M) affectiounat servitouris, in thair awin rank. In the meme tyme I sall interteine all thais that I knaw to be affectiounat, or may be persuadit to youre (M) service with sic small credit as I have.

I have desyrit my lord ambassadour to write this in his cipher, for gif I had ane of my awin I wald haue twicht sindrie thingis quhilk I have omittit, bot sall write heir eftir as thingis sall happin to fall furth. Thair fore youre (M) will pleis write me youre answer in my said lord ambassadours cipher, quha will communicat the samin to me surlie aneuch, or ellis gif youre (M) findis opportunitie to send me ane cipher of my awin. This lukiug for youre (M) answer with sic gudlie diligence as is possibill, kissand youre (M) handis with all humilitie, I pray the eternal God to preserve youre (M) in gud health, and grant youre (M) haistie releifs to his glorie and the comfort of the gud subjectis of this pure and afflictit realme. From Edinburgh the penult day of Januar, 1580.

Your majesties maist humbill and obedient
servitour to the end,

SIR JAMES BALFOUR.

No. XXXIII. Vol. II. Page 57.

*Trial of the Earl of Mortoun for the Murder of
Darnley.*

‘Mourtoun his forfaltrie,

CURIA justiciarie S. D. N. regis tenta et inchoata in Arnot's
Crim. Trials
382. pretorio burgi de Edinburgh, primo die mensis Junii, anno Dni. millesimo quingentesimo octuagesimo primo, per honorabiles et discretos viros Jacobum Striviling de Keir militem, et magistrum Joannem Grahame justiciarios in hac parte per commissionem S. D. N. regis, ac Dnorum ejus secreti concilii specialiter constitut. ad effectum subscriptum sectis vocatis, et curia legitime affirmata, &c.

Jacobus Comes de Mortoun, Dns. de Dalkeith, &c. accusatus calumniatus de arte, parte, prescientia conselatione, et non releuatione proditorie murthure quondam nobilissimi et charissimi Henrici regis Scotorum, patris S. D. N. Regis Jacobi sexti.

Nomina assizae elect. jurat. et admiss. super prefato Jacobo Comite de Mortoun, &c. viz.

Colinus Comes Ergadie, Joannes Comes de Montrois Andreas Comes de Rothies, Jacobus Comes de Glencairne, Hugo Comes de Eglintoun, Alexander Comes de Sutherland, Joannes Dns. de Maxwell, Georgius Dns. de Seytoun, Jacobus Dns. Ogilvie, Jacobus Dns. Innermaithe, Hugo Dns. Somervell, Alexander Magister de Levingstoun, Alexander Mr. de Elphinstoun, Joannes Gordoun de Lochinvar, Miles, Patricius Hepburne de Wachtoun, Patricius Learmonth de Dersie, Miles, Willielmus Livingstoun de Kilsyth, Miles.

The whilk day the said James earle of Mortoun being

indytit and accusit, that, in the moneths of Januarii and Februi, in the yeir of God 1566 yeiris, he, accompaniit with James, some tyme earle Bothwell, James Ormistoun some tyme of that iike, Robert, *alias* Hob Ormistoun, his father brother, John Hay some tyme of Tallo, younger, John Hepburne, callit John of Bowtoun, and divers others his complices, craftelie and secretlie conspirit among them selves, consultit, treatit, devysit, and maliciously concludit the maist shameful, detestable, and unnatural murther and patricide of our soverane lords umquhill dearest father, Henry king of Scotts, lawful spouse for the tyme to his hienes's dearest mother, Mary, then quein of Scotland, and that within the burgh of Edr, pallice of Hallyruid-house, and uthers places thereabout; and to the end he myght bring his wicked, filthie, and execrabil attempt at better to pass, he with the remanent persouns afoirnamed, be themselves, yr servants, complices, and others, in yr names, of their cawseing command, hounding, sending, partaking assistance and ratihabitone, upon the tenth day of the sd moneth of Feberwar 1566 years, at twa hours after midnight, or therby, come to the lodgeing besyde the Kirk of Feild, within the said burgh of Edr, wher our sd soverane lōrds-umqll dearest father was lodgit for the tyme, and ther be way of hamesukin, brigancie, and foirthowght fellonie, maist vylelie, unmercifullie, and treasonable, slew and murtherit him, with Wm Tayliour and Andro Makage, his cubicularis, when as they, buriēt in slep, were takeand the nyghts rest, brunt his hoill lodgeing forsaide, and raised the samen in the air be force of gun poulder, qlke a lytle afore was placit and imput be him and his forsaids under the grund, and angular stains, and within the vōltis, in laich and darnit pairts and places yrof, to that effect, and richt, swa he with the remanent persouns afor-namit, marrowis of his mischcife, be themselves, yr servants,

complices and uthers, in y^r names, of their causing, command, hunding, sending, and airt, and pertaking, assistance, and ratihabition, at the tymes forsaid, respective, gave their favor, counsall, and help to the perpetration of the said horrible crymes, and ay sinsyne hes simulate, hid, and conceillit the samen, in maist treasonable and secreit maner, and theirthrow had incurrit the paines of leisma-gestie, and sould have bein punishit theirfor with all rigour, be tinsall of life, lands, and guidis, and be extinctioun of fame, honour, titles, and memorie, conform to the lawis of this realme; lykeas the remanent persouns afoirnamed, his complices and conspirators with him in their treasonable impieties, were already tryed and forfaultit for the self same hynous and detestable crymes, and for the maist part, as they could be apprehendit, had sufferit maist shameful deid theirfor, according to y^r deserving, as at mair lenth is contained in the dittay given in anent the premisses, with the taikins and probatiouns producit and usit theirwith; qlkes being read, the said James earle of Mortoun, and he anserand y^rto, denyit the samen, be reasoun wherof the said justice-deputis referrit the samen to the knowledge of the inqueist and assyse above written, wha wes resavit and admittit in presence of the said earle, and they being furth of court removed, and ryply advisit with the said dittay, taikins infallible and maist evident, with the probatiouns producit and usit for verifieing their of, and y^rafter inenterand againe in court, they all in ane voyce, be the pronouncing of the mouth of John earle of Montrose, chancellor choisen be the s^d assyse, fyllit the said James earle of Mortoun of airt, pairt, foirknowledge, and conceiling of the treasonable and unnatural murthers forsaid; after the qlke conviction, the saids justice-deputis, be pronunciatioun of Andro Lindsay, demster of the said court, adjudgit, and for dome gave, that the said James earle of Mortoun sould

be had to ane gibbet besyde the mercat-croise of the s^t burgh of Ed^r, and ther be hangit while he be deid, and y^tafter drawin, quarterit, and demaneit, as ane traitour; and that all his lands, heretage, offices, possessiones, tackes, steadings, cornes, cattell, actiones, debtes, obligations, guidis moveable and unmoveable, and uthers whatsomever whilkis perteneit to him, sould and aught appertaine to our soverane lord, and to be applyit to his hienes use, be reasone of escheat of forfaultour, to be uptaken, usit, and disponit, be his hienes at his pleasur; upon the qlkes premisses, Mr. Robert Crichtoun of Eliock, advocat to our soverane lord, asked instruments, and acts of court.—*Extractum ex actis curia Justiciarie antedictae, per me Wm. Stewart juniorem, notarium publicum et clericum dicte curie per commissionem S. D. N. regis antedicti. specialiter electum et juratum, &c. sub meis signo et subscriptione manualibus.*

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The sume off all that conference that was betwixt the Eirle of Morton, John Durie, and Mr. Walter Balcanquell, and the cheif things that they hard of him quhairof they can remember, that day that the said Eirle suffered, quhilk was the second of Junii, 1581.

FIRST, the said eirle being exhorted that he sould not be discouraged in consideration of that estate quhairinto ance he was in this world in honour and glorie, and of the downcast quhairunto now he was brought, but rather in consideration of the glorie to come, he sould rejoyce and be of gude comfort, his answer was, as concerning all the glorie that I have had in this world, I cair not for it, because I am persuaded now that all the honours, riches, friends, pleasures, and quhatsomever I had in the world, is but vanitie, and as concerning the estate quhairunto now I am brought, I thank God for it, and am at this poynt, that I am content rather to render my lyfe then to live, because I know that as God has appoynted the tyme of my death, so has he appoynted the manner thereof; and therefore, seeing that now is the time, and this is the manner that best pleiseth my God to take me, I am content, and as for my lyfe in this world, I cair not for it a penny, in respect of that immortalitie and everlasting joy quhilk I luke for, and quhairof I am assured.

2. Being requyred quhat was his part or knowledge in the king's murther, he answered with this attestation; as I sall answer to my Lord God, I sall declare trewlie all my knowledge in that matter, the soume quhairof is this : Efter my returning out of Ingland, quhair I was banished.

Meining Signior Davie Rizio's slane, 1565, being a minion of the queina

for Davie's slaughter, I came out of Wederburn to Whittinghame, quhair the eirle Bothwell and I met together in the yaird of Whittinghame, quhair, efter long communing the eirle Bothwell proponed to me the king's murther, requyring what wald be my part therein, seeing it was the queines mynd that the king sould be taine away, because, as he said, she blamed the king mair of Davie's slaughter than me. My answer to the eirle Bothwell was this, that I wald not in any ways mell with that matter, and that for this cause, because I am but new cumed out of trouble, quhair of as yet I am not red, being discharged to cum neir the court be seven mylls, and therefore, I cannot enter myself in such a trouble againe. Efter this answer, Mr. Archbald Douglas entered in conference with me in that purpose, persuading me to agrie to the eirle Bothwell's desyre. Last of all the eirle Bothwell, being in Whittinghame, thairafter eirnestly proponed the same matter again to me, persuading me thairto, because so was the queines mynd, and shoe wald have it to be done. Unto this my answer was, I desyred the eirle Bothwell to bring me the queines hand wryt of this matter for a warrand, and then I sould give him ane answer : utherwayes I wald not mell therewith, quhilk warrand he never purchaissed (reported, Calderwood's MS.) unto me. Then being inquyred quhat wald have beine his part in caise he had gotten the queines warrand in that matter, wald he in respect thair of, melled with such a filthie murther as that ? He answered, gif I had gotten the queines wryt, and so had knowen her mynd, I was purposed to have banished myselfe againe, and turned my back on Scotland quhile I had sein a better occasion. Then following forth his discourse of this matter, he said, I being at St. Andro's to vissit the eirle of Angus a little before the murther, Mr. Archbald Douglas came to me there, both with wryt and credit of the eirle

Bothwell, to shew unto me that the purpose of the king's murther was to be done, and neir a poynt, and to request my concurrence and asystance thereunto. My answer was to him, that I wald give no answer to that purpose, seeing I had not gotten the queines warrand in wryt, quhilk was promised, and thairfore seeing the eirle Bothwell never reported any warrand of the queine to me, I never melled farther with it. Then being inquyred whether he gave Mr. Archbald Douglas any command to be there in his name, he answered, I never commanded him. Being inquyred gif he gave him any counsel thereunto, he answered, I never counselled him to it : being inquyred if he gave him any counsel in the contrair, he answered I never counselled him in the contrair. Then it was said to him, that it was a dangerous thing for him that his servand and depender was to pass to such a wicked purpose, and he knowing thereof stayed him not, sieing it would be counted his deid : he answered, Mr. Archbald at that tyme was a depender upon the eirle Bothwell, making court for himself, rather then a depender of myne. Efter this following forth the same discourse, he said Mr. Archbald, efter the deid was done, shew to me that he was at the deid doeing, and came to the Kirk of Field yard with the eirle Bothwell and Huntlie. Then being requyred if he received Mr. Archbald efter the murther, he answered I did indeed. Then it was said to him, appeirantlie my lord, ye cannot complain justlie of the sentence that is given against you, sieing with your oun mouth ye confess the foreknowledge and concealling of the king's murther, for quhilk two poynts onlie ye could not be able to abyde the law. He answered that I know to be trew indeid, but yet they sould have considered the danger that the reveilling of it wald have brought me to at that tyme ; for I durst not reveill it for feir of my lyfe. For at that tyme to whom sould I have

reveilled it? To the queine? she was the doer thereof. I was mynded to have told it to the king's selfe (father, Calderwood) but I durst not for my lyfe, for I knew him to be a bairne of such nature, that there was nothing told him but he wald reveill it to hir againe. Being inquyred why he wald not sinsyne revieill it to the king's majesty, he answered I durst not, for the same feir. Then he said, efter the eirle Bothwell was cleinged by an assyse, sundrie of the nobilitie, and I subscryed also a bond with the eirle Bothwell, that if any sould lay the king's murder to his charge, we sould assyst him in the constrairie, and thereafter I subscryed to the queines marriage with the eirle Bothwell, as sundrie uthers of the nobilitie did, being charged thereto by the queines wryt and command. Then being inquyred in name of the living God, that sieing this murther of the king's was ane of the most filthy acts that ever was done in Scotland, and the secreits thereof hes not yet been declared, who was the chief deid doers, or whether he was wirried or blown in the air, and therefore to declaire if he knew any farther secret thereunto; he answered, as I sall answer to God, I know no more secret in that matter then I have already told and heard be the deposition of such as hes already suffered for it, quhilk depositions are yet extant. Being inquyred if he knew any presentlie to be about the king, who was doers of that work, by whose companie the king or common weill might be hurt, he answered, I know none, and will acuse none. Last of all, it was said to him concerning this purpose, that in respect of his own deposition, his part wald be suspected to be more foull nor he declared, he speired for what reason. It was answered, ye being in authoritie, howbeit ye punisht uthers for the murther, yet ye punisht not Mr. Archbald, whom ke knew to be guilty thereof; he answered, I punisht him not indeid, neither durst I, for the causes before shoven.

(As the remaining articles of this long confession relate to transactions during his regency and afterwards, we proceed to the conclusion.)

Thereafter he was called to dinner at two after nune, and being at dinner, sieing the brethrein of the ministrie were informed that there was wrong report made of his confessioun to the king, and that he sould have confessed meikle uther wayes then he did, whereby the king might have had ane war opinion of him, they thought gude to send down some before his suffering, to inform the king's majestie of the facts of his confessioun, as namely, David Fergusone, John Durrie, and John Brand, who, before his death, at length told the simple truth of his confessioun to the king's majestie. At their returning againe from the Abbey, his keiper requyred him that he sould cum forth to the scaffald, he answered, sieing they have troubled me this day over meikle with wardly things, I supposed they sould have given me this one nyght leasor to have advysed rypely with my God. His keiper said all things are readye now, my lord, and I think they will not stay : he answered, and I am readie also, I prayse my God ; and so, one comfortable prayer being made, he passed down to the gate, mynding to goe directly to the scaffald ; but the eirle of Arrane stayed him, and brought him back againe to his chalmer, and requyred of him that he sould tarrie till his confessioun were put in wryt, and subscryed with his hand and the ministers that were present. He answered, no, my lord, I pray you trouble me no more with these things, for I have now another thing to advyse on, that is, to prepar me for my God, sieing that I am now at a poynt to go to death, I cannot wryt in the estate wherein now I am All the honest men can testifie what I have spoken in the matter ; with quhilk answer the eirle of Arran being satisfied, he said unto him, now my lord, ye

will be reconciled with me, for I have done nothing upon any particular against you. He answered, it is not tyme now to remember on querels, I have no querel to you nor any man; I forgive you and all uthers, as I will all to forgive me; and so thereafter with a gude curage he past to the scaffald, and being upon the scaffald, he repeits in few words the substance of these things, the quhilk before he had confessed, except that he concealed Mr. Archbald Douglas his name, and eiked some word and exhortatioun to the people, quhilk he spake not before, as namely, he said, Sure I am the king sall lose a gude servant this day, and so he exhorted the people, saying, I testify before God, I have professed the evangell, quhilk this day is teacht and professed in Scotland, and so also now I will willinglie lay down my lyfe in the professioun thereof; and howbeit, I have not walked therein as I aught, yet I am assured God will be merciful to me; and I pray you all, gude christians, to pray for me; and I charge you all, in the name of God, that are professors of the evangell, that ye continue in the true professioun thereof, and maintain it to your power, as I sould have done, God willing, with my lyfe, lands, and all, gif I had had dayes, quhilk if ye doe, I assure you God sall be merciful to you; but if ye do not, be sure the vengeance of God sall light upon you beth in bodie and soul. As concerning all the rest of the things quhilk he spake comfortably upon the scaffald, he spake them more amply before, and therefore we think it not neidful to repeat.

When all his speeches were ended upon the scaffald, a comfortable prayer was made by Mr. James Lawson, during the time of quhilk prayer, the eirle lay grovelling upon his face, before the place of execution, his bodie making great rebounding with sighs and sobes, quhilk was evident signs of the inward and mighty working of the spreit of

God, as they who were present and knew what it was to be earnestly moved in prayer, might eysily persave. The prayer being ended, and efter that sundrie came unto him to be reconciled with him before his death, quhilk he most lovingly did receive, and efter that he had taken us all by the hand, that were about him, and bidden us farewell in the Lord, he passed both constantlie, patientlie, and humblie, without feir of deith to the place of execution, and laid his craig under the axe, his hand being unbound, and thairefter Mr. Walter putting him always in mind of Christ: and crying in his eirs thir words following, untill his head was strucken off, Lord Jesus receive my soul in thy hands, Lord, in thy hands I commit my spreit, quhilk words he was speaking till the axe fell on his neck, and so quhatsoever he had been before, he constantlie died the frew servant of God; and howbeit by his unfriends alledged, that as he lived proudlie, so he died proudlie, the charitable servants of God could perceive nothing in him but all kind of humility in his death, in so meikle that we are assured that his soul is received in the glorie of heaven, to the quhilk the Lord bring us all. *Amen.*

Morton's confession undoubtedly must have been faithfully reported by the clergy, as the substance was communicated to James and to Arran, and repeated on the scaffold, in the presence of his enemies, before his execution. It is confirmed by Archibald Douglas's letter to Mary, which we reprint from Robertson's History, to complete the evidence; but Morton's silence concerning Lethington may require some explanation. In a memorandum to Morton on his appointment to the regency, Lethington remonstrates against his own *forfaulture*, "for a crime whereoff he, (Morton,) knoweth in his conscience I was as innocent

as himself;" to which Morton made this remarkable reply: "That I know him innocent in my conscience as myself, the contrary thereof is true, for I was, and am innocent thereof, but could not affirm the same of him, considering what I understand in that matter, of his own confession to myself of before." Calderwood, ii. 274-6. MS. That Lethington was as innocent as Morton, plainly implies that Morton was equally guilty with Lethington, who, instead of asserting his own innocence, merely insinuates that the other was equally privy to the murder. But Morton, distinguishing between the foreknowledge and the participation of the crime, openly asserts his own innocence, and Lethington's concern in the murder, which he understood from his own confession *of before*; and in these passages each alludes indisputably to the conference at Whittingham before the murder. Secret overtures, however unsuccessful, are seldom or never betrayed by politicians; and Morton refused at his execution to accuse any of the king's attendants whom he was then unwilling to offend. Lethington's brother, John Prior of Coldingham, afterwards chancellor, sat as one of the assessors to the justice depute upon Morton's trial, (Anderson's MSS.) and from the confession of Binning, (who was tried and executed the very next day after Morton) it appears that he was privy, if not accessory to the murder. But Morton, from the same motive perhaps, that induced him to suppress Archibald Douglas's name on the scaffold, concealed Lethington's share in the conference at Whittingham, out of tenderness both to the living and the dead.

*A Letter from Mr. Archibald Douglas to the Queen
of Scots. Robertson's Hist.*

Please your majesty, I received your letter of the date April—
the 12th of November, and in like manner has seen some ^{Harl. I. 7.} part of the contents of one other of the same date, directed ^{37. B. 9.} to Monsieur de Movisir, ambassador for his majesty the
most christian king, both which are agreeable to your
princely dignity, as by the one your highness desires to
know the true cause of my banishment, and offers unto me
all favour if I shall be innocent of the heinous facts com-
mitted in the person of your husband of good memory, so
by the other the said ambassador is willet to declare unto
me, if your husband's murder could be laid justly against
me, that you could not sollicit in my cause, neither yet for
any person that was participant of that execrable fact, but
would seek the revenge thereof, when you should have any
means to do it; your majesty's offer, if I be innocent of
that crime, is most favourable, and your desire to know
the truth of the same is most equitable; and therefore
that I should with all my simplicity, sincerity and truth an-
swer thereunto is most reasonable, to the end that your
princely dignity may be my help, if my innocence shall
sufficiently appear, and procure my condemnation, if I be
culpable in any matter, except in the knowledge of the evil
disposed minds of the most part of your nobility against
your said husband, and not revealing of it, which I am
assured was sufficiently known to himself and to all that
had judgment never so little in that realm; which also I
was constrained to understand, as he, that was specially
employed betwixt the earl Morton, and a good number of
your nobility, that they might with all humility intercede

at your majesty's hand for his relief, in such matters as are more specially contained in the declaration following, which I am constrained for my own justification, by this letter to call to your majesty's remembrance. Notwithstanding that I am assured to my grief, the reading thereof will not smally offend your princely mind. It may please your majesty to remember, that in the year of God 1566, the said earl of Morton, with divers other nobility and gent. were declared rebels to your majesty, and banished your realm for insolent murder committed in your majesty's own chamber, which they alledged was done by command of your husband, who notwithstanding affirmed that he was compelled by them to subscribe the warrant given for that effect; howsoever the truth of that matter remains amongst them, it appertains not to me at this time to be curious; true it is that I was one of that number, that heavily offended against your majesty, and passed in France the time of our banishment, at the desire of the rest, to humbly pray your brother the most christian king, to interceed that our offences might be pardoned, and your majesty's clemency extended towards us, albeit divers of no small reputation, in that realm, was of the opinion, that the said fact merited neither to be requisite for, nor yet pardoned. Always such was the careful mind of his majesty towards the quietness of that realm, that the dealing in that cause was committed to Monsieur de Movisir, who was directed at that time to go into Scotland, to congratulate the happy birth of your son, whom Almighty God of his goodness may long preserve in happy estate and perpetual felicity; the careful travel of the said de Movisir was so effectual, and your majesty's mind so inclined to mercy, that within short space thereafter, I was permitted to repair in Scotland, to deal with earls Murray, Athol, Bodvel, Arguile, and secretary Ledington, in the name

and behalf of the said earl Morton, lords Reven, Linsay, and remanent complesis, that they might make offer in the names of the said earl, of any matter that might satisfy your majesty's wrath, and procure your clemency to be extended in their favours ; at my coming to them, after I had opened the effect of my message, they declared that the marriage betwix you and your husband had been the occasion already of great evil in that realm, and if your husband should be suffered to follow the appetite and mind of such as was about him, that kind of dealing might produce with time worse effects ; for helping of such inconvenience that might fall out by that kind of dealing ; they had thought it convenient to join themselves in league and band with some other noblemen, resolved to obey your majesty as their natural sovereign, and have nothing to do with your husband's command whatsoever, if the said earl would for himself enter into that band and confederacy with them, they could be content to humbly request and travel by all means with your majesty for his pardon, but before they could any farther proceed, they desired to know the said earl's mind herein ; when I had answered, that he nor his friends, at my departure, could not know that any such like matter would be proponit, and therefore was not instructed what to answer therein, they desired that I should return sufficiently instructed in this matter to Sterling, before the baptism of your son, whom God might preserve ; this message was faithfully delivered by me at Newcastle in England, where the said earl then remained, in presence of his friends and company, where they all condescended to have no farther dealing with your husband, and to enter into the said band. With this deliberation I returned to Sterling, where at the request of the most christian king and the queen's majesty of England by their ambassadors present, your majesty's gracious par-

don was granted unto them all, under condition always that they should remain banished forth of the realm, the space of two years, and farther during your majesty's pleasure; which limitation was after mitigated at the humble request of your own nobility, so that immediately after the said earl of Morton repaired into Scotland to Quhittingaime, where the earl Bodvell and secretary Ledington come to him; what speech passed there amongst them, as God shall be my judge, I knew nothing at that time, but at their departure I was requested by the said earl Morton to accompany the earl Bodvell and secretary to Edinburgh; and to return with such answer as they should obtain of your majesty, which being given to me by the said persons, as God shall be my judge, was no other than these words, "Schaw to the earl Morton that the queen will hear no speech of that matter appointed unto him;" when I crafit that the answer might be made more sensible, secretary Ledington said, that the earl would sufficiently understand it, albeit, few or none at that time understand what passed amongst them. It is known to all men, als veill be railling letters past betwixt the said earl and Lidington when they become in divers factions, as also ane buck sett furth by the ministers, wherein they affirm that the earl of Morton has confessed to them, before his death, that the earl Bodvell come to Quhittingaime to propon the calling away off the king your husband, to the which proposition the said earl of Morton affirms that he could give no answer unto such time he might know your majesty's mind therein, which he never received. As to the abominable murder, it is known too by the depositions of many persons that were executed to the death for the committing thereof, that the same was executed by them, and at the command of such of the nobility, as had subscrivit band for that effect: by this unpleasant declaration, the most part thereof known.

to yourself, and the remainder may be understood by the aforesaid witnesses that was examined in torture, and that are extant in the custody of the ordinary judges in Scotland, my innocency so far as may concern any fact does appear sufficiently to your majesty. And as for my dealing aforesaid, I can be no otherwise charged therein, but as what would accuse the vessel that preserves the vine from harm, for the intemperancy of such as immoderately use the same. As for the special cause of my banishment, I think the same has proceeded upon an opinion conceived, that I was able to accuse the earl of Morton of so much matter as they alledge himself to have confessed before he died, and would not be induced, for loss of reputation, to perform any part thereof. If this be the occasion of my trouble, as I suppose it is, what punishment I should deserve, I remit me to your majesty's better judgment, who well knows how careful ever ilk gentleman should be of his fame, reputation, and honour, and how far ever ilk man should abhor the name of a pultroun, and how indecent it would have been to me to accuse the earl of Morton, being so near of his kin, notwithstanding all the injuries I was constrained to receive at his hand all the time of his government, and for no other cause, but for shewing of particular friendship to particular friends in the time of the last cruel troubles in Scotland. Sorry I be now to accuse him in any matter being dead, and more sorry that being on lyff, be such kind of dealing obtained that name of Ingrate. Always for my own part I have been banished my native country those three years and four months, living in anxiety of mind, my holl guds in Scotland, which were not small, intermittit and disponit upon, and has continually since the time I was relieved out of my last troubles at the desire of Monsieur de Movisir, attended to know your majesty's pleasure, and to await upon what service it

should please your majesty for to command. Upon the 8th of April inst. your good friend secretary Walsingham has declared unto me, that her highness thought it expedient that I should retire myself where I pleased, I declared unto him I had no means whereby I might perform that desire, until such time as I should receive it from your majesty. Neither knew I where it would please your highness to direct me, until such time as I should have received further information from you. Upon this occasion, and partly by permission, I have taken the hardress to write this present letter, whereby your majesty may understand any part of my troubles past, and strait present. As to my intention future, I will never deny that I am fully resolved to spend the rest of my days in your majesty's service, and the king your son's, wheresoever I shall be directed by your majesty, and for the better performing thereof, if so shall be her majesty's pleasure, to recommend the tryal of my innocency, and examination of the verity of the preceding narration, to the king your son, with request that I may be pardoned for such offences as concerned your majesty's service, and var common to all men the time of his les aige and perdonit to all, except to me, I should be the bearer thereof myself, and be directed in whatsoever service it should please your majesty for to command. Most humble I beseech your majesty to consider hereof, and to be so gracious as to give order, that I may have means to serve your majesty according to the sincerity of my meaning, and so expecting your majesty's answer, after the kissing your hand with all humility, I take leave from London.

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I AM satisfied myself that Huntley and Archibald Douglas were both present, but not at the explosion. Binning, Douglas's servant, was tried and executed the day after Morton's execution, and according to an imperfect abstract of his deposition, he declared "that his master passed to the deid doing, the said Binning and Gairner his servants being with him in company," (Arnot's Crim. Trials, 16.) "and tint ane of his mules in taiking; and efter his incuming that night changit his claithis quhilkis war full of clay and foulness, and he beand send to Throplowis wynde fit, the said John met certaine mussilit men, quhom he knew not, but as he supponit he thocht he knew the voice of Mr. James Balfouris brother, proveist of the Chairterhouse. In the meantyme came in Mr. John Maitland, abot of Coldinghame, and putting his tow handis on his awn mouth, maid to him an signe to keip quiet the rest of his mynd." Anderson's MSS. When Binning's evidence was produced against Archibald Douglas on his collusive trial, he objected to its inconsistencies; that in one part, after supping in his chamber, he went out at the back-door with his two servants, to the deid doing: in another part of the same deposition, Binning had gone to bed, in his own house, when the explosion took place, and returning on the noise, found his master reading in bed; that he followed him next day to the court, in vacation, when the session was not sitting, and when Douglas was not then promoted to the bench; and that the road from the chamber to the Kirk of Field, was by no means fit for a man armed in his *secret* and steel bonnet, "to pass with velvet mules to

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sic a deid." But the contradictions, of which Douglas availed himself, confirm the fact. After supper, at six in the evening, he passed with two servants, according to agreement, in his secret armour to meet Bothwell in the Cowgate, and was one of the three whom Powrie, on the last carriage of the powder to the Black Friars gate, describes, in his second examination, as attending Bothwell with cloaks about their faces and mules upon their feet. Hay of Talla walked with Bothwell up and down the Cowgate, while the powder was bringing, but that part of his evidence in which he blotted Huntley, was suppressed in his deposition; and as Argyle and Huntley had passed with the queen to the king's chamber, it is most likely that one or other returned to Bothwell in the Cowgate before the powder arrived. On Douglas's return home, when Binning was sent to (a house in) Thropstows Windefoot, he met certane mussilit men, or others of the conspirators whom Bothwell had dismissed, one of whom he perceived to be Sir James Balfour's brother, sent to the deid doing, and the abbot of Coldingham (Lethington's brother sent on the same purpose) coming in, gave him a sign to be silent; evidently before the explosion took place. Douglas afterwards retired to bed, like Ormiston, that no man might say he was at the deid doing; and his servant returning upon the report of the powder, found him reading in bed, and followed him next day to the Tolbooth, not to the court of session, but to the justice general's inquisition into the murder. The velvet mules were high soled or embroidered slippers, worn by men and women:

Thair (the mens) *dry scarpenis* bayth tryme and meit,
Thair *mullis glitteran* on thair feet.

Pinkerton's Anc. Scot. Poems, ii. 184.

Thair (the womens) *schone* of velvet and thair *mullis*.

Id. 327.

The *dry scarpinis* (escarpins, thin pumps) indicate that mules were worn like clogs, above the shoe, (see Vigneul-Marville's *Mélanges d'Histoire*, &c.i. 205.) and the embroidered mules worn by courtiers, which, with their cloaks, distinguished Huntley, Argyle, and Douglas from peasants, were easily discerned by Powrie, from the reflexion of the lighted candle within the gate. I conclude therefore that Huntley and Douglas were present, when the powder was brought to the Blackfriars gate; and, as the latter informed Morton that he came with Huntley and Bothwell to the Kirk of Field yard, that he was dismissed there, on their return to the queen, as Huntley was afterwards dismissed by Bothwell at midnight, on his return from the palace. Paris's Second Confession. As the powder was then introduced, Douglas informed Morton that he was present, not imagining that Bothwell attended farther to the deed doing; but Morton naturally imagined, that he returned with Huntley and Bothwell from the abbey, before the explosion took place.

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Page 12. line 2. *for 17th read 12th*

16. — 15. *for archbishop read Archibald*

— 18. *for stares read stanes*

52. — 11. *for s'estort read s'estoit*

62. — 2. *for sheets read sheet*

135. — 10. *for wei read wer*

142. — 13. *for perpetuos read perpetuus*

162. — 15. *note, for uers read vers*

174. — 8. *note, for medicinam quam per read quam per medicinam*

176. — 7. *note, after dans moi-même add le pouvoir*

178. — 12. *note, dele the word for*

180. — 9. *note, for detayning read obtayning*

192. — 22. *note, for pistola read epistola*

197. — 14. *note, for letter read letters*

210. — 17. *note, for me deith read the deith*

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